UNITED
NATIONS

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Economic and Social
Council

Distr.
GENERAL

E/CN.4/2000/135
22 March 2000

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-sixth session
Agenda item 11 (e)

CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTION OF RELIGIOUS INTOLERANCE

Letter dated 10 March 2000 from the Chargé d'affaires a.i. of the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights

I have the honour to transmit, enclosed herewith,* the letter of 10 March 2000, addressed by Mr. Branko Brankovic, Ambassador, Chargé d'affaires a.i. of the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office in Geneva, to Mr. Abdelfattah Amor, Special Rapporteur on religious intolerance of the Commission on Human Rights. I would like to ask you to have it published as an official document of the fifty-sixth session of the Commission on Human Rights under agenda item 11 (e).

(Signed) Branko Brankovic

Ambassador
Chargé d'affaires a.i.

* The annex is reproduced as received, in the language of submission only.

Geneva, 10 March 2000

Mr. Amor,

In accordance with the practice you have initiated and have been maintaining over the past years with the Government of the FR of Yugoslavia in your capacity as Special Rapporteur on Religious Intolerance, I have the honor and pleasure to address you, on the basis of relevant resolutions of the Commission on Human Rights, in respect to problems in my country that fall within your direct mandate.

First of all, I would like to present some basic information about the situation in the Serbian province of Kosovo and Metohija. Eight months after the deployment of KFOR and UNMIK in Kosovo and Metohija, chaos and lawlessness are prevailing, terror is continuing unabated as well as international organized crime, illicit drugs and arms trafficking and money laundering; parallel, quasi state authorities are established, comprised exclusively of Albanians, as the only one of the numerous ethnic groups living in Kosovo and Metohija. Before the eyes of United Nations representatives, murders, abductions, rape, lootings, destruction of private and state property are under way on a daily basis, whereby one of the key provisions of the UN Security Council resolution 1244 (1999) to guarantee security to people and protect property (of Serbs primarily) is being violated.

In the period from 12 June 1999 until 6 February 2000, there were carried out in Kosovo and Metohija a total of 4249 terrorist acts, whose perpetrators are Albanians originating from the Province or from the Republic of Albania. Of these attacks, 4030 were perpetrated against Serbs and Montenegrins, as a population of other religion and language. As many as 834 persons went missing and were abducted, whereas 889 persons were killed and 784 wounded. Most of these persons are also Serbs and Montenegrins, although there are as well members of other ethnic groups. Over 50.000 houses were destroyed, and more than 1000 private dwellings and houses belonging to Serbs were broken into and forcibly taken occupancy of. Over 80 Serbian monasteries and churches were destroyed, including numerous historical monuments, libraries, archives and other material traces of the Serbian population in this part of its territory.

Mr. Abdelfattah AMOR
Special Rapporteur on Religious Intolerance
UN Commission on Human Rights

Terror and provocations are a daily occurrence. The situation is all the more serious that all these figures refer mostly to the remaining Serbs. Namely, more than 250.000 Serbs (in total 350.000 of all non-Albanian residents) were expelled or displaced from the Province since 12 June 1999.

My Government has on a number of occasions informed of this situation the United Nations, in particular the Security Council and the Secretary-General, as well as the High Commissioner for Human Rights, the Special Rapporteur for Bosnia and Herzegovina, Croatia and Federal Republic of Yugoslavia and others whose duty it was to react and put an end to serious breaches of human rights and freedoms of Serbs primarily, as well as of members of other ethnic groups in Kosovo and Metohija which have started with the return of Albanian refugees and with the deployment of KFOR and UNMIK in this part of the Yugoslav territory.

Clergy and monks are being physically maltreated, nuns are even being raped, whom members of KFOR and UNMIK, cannot and apparently do not want to protect from attacks of the hostile, nationalist and religiously fanatic Albanian population in Kosovo and Metohija. As a consequence, over 150 parish residences were destroyed, over 10.000 icons and sacred objects were robbed or destroyed, of which some are of important sacred and material value. According to our information, clergymen and monks are subjected to psychological pressure that even they can hardly bear.

I would like kindly to ask you to urgently collect information about the condition of religious buildings, of the situation of clergymen and monks of the Serbian Orthodox Church in Kosovo and Metohija, and of the entire remaining Serbian population of orthodox religion in the Province, as well as of other religions. I would like to stress that neither are spared in Kosovo and Metohija some Muslims (non-Albanians or Muslims having different political opinion and conviction), Romas, nor Christians of catholic religion (among whom Albanians-Catholics). As a consequence, a number of these persons moved out (ethnic Croatians) or are subjected to constant danger.

I am addressing you an urgent appeal that you establish the state of affairs and occurrences which are not in accordance with the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief and recommend relevant solutions to the situation I had illustrated afore. Please find enclosed a part of information on targets of infuriated, criminal attacks by members of the Albanian national minority in the Province of Kosovo and Metohija and other criminals and looters who entered the territory of the FR of Yugoslavia from the Republic of Albania in the period following the deployment of KFOR and UNMIK.

I would like to stress that the Director-General of UNESCO was informed about some of these acts, taking into account that some of the damaged monasteries belong to the world cultural heritage.

We are also enclosing a map with Serbian marks in Kosovo and Metohija.

Destruction of churches, monasteries and cultural monuments:

About 80 churches, monasteries and other cultural monuments were burned down, demolished or seriously damaged, including the following: the Church of Notre Dame in Dolac, Monastery of St. Marc at Korisa from 1467, Monastery of Prophets Kosmo and Damien at Zociste from 14th century, the Church at Kijev from the 14th century, The Holy Trinity Monastery from the 14th century near Musutiste, the Devic Monastery built in 1440, the church of St. Paraskeva in Drenik from 16th century, the Church of St. Dimitri near Pec, the Orthodox churches at Grmovo near Vitina, the Church of St. Elias at Zegra near Gnjilane, the Church of Holy Mother in Musutiste from 1315, the Church of Prophets Elias at Bistrazin, the Church of Holy Apostles Peter and Paul at Suva Reka, the Monastery of St. Uros in Nerodimlje, the Monastery of Holy Archangel Gabriel from 14th century at Binac, the Church of Holy Mary from 16th century at Belo Polje, the Church of St. John the Baptist at Pecka Banja, churches in the villages Naklo, Vucitrn, Petrovac, Urosevac, in the villages Podgorce, Djurakovac, Krusevo, Osojane, Samodrezi, Dresni near Klina, Rekovac, Petric, the Monastery Dinac near Vitina, the cathedral of Holy Trinity at Djakovica.

Serbian and Montenegrin cultural monuments were demolished and destroyed, including the following:

- monuments in memory of prominent Serbian and Montenegrin men of letters Vuk Karadzic and Petar Petrovic Njegos in downtown Pristina;
- monuments in memory of Serbian king Uros in Urosevac and Serbian king Dusan in Prizren;
- memorial to holy Serbian Prince Lazar in Gnjilane and monument to Serbian rulers from the Nemanjic mediaeval dynasty in the village Gornje Nerodimlje.

Please accept, Sir, the assurances of my highest consideration.

Branko Brankovic
Ambassador
Chargé d'affaires a.i.

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Economic and Social
Council

Distr
GENERAL

E/CN.4/2000/136
22 March 2000

Original: ARABIC/ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-sixth session
Agenda item 8

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE

Letter dated 14 March 2000 from the Permanent Observer of Palestine to the United Nations Office at Geneva* addressed to the United Nations High Commissioner for Human Rights

I would be grateful to you if you could have the attached text* distributed to the distinguished members of the fifty-sixth session of the Commission on Human Rights, as an official document under agenda item 8.

(Signed) Nabil RAMLAWI
Ambassador
Permanent Observer of Palestine

* Reproduced as received, in Arabic and English only.

the Continued Deterioration of the Situation of Human Rights in the occupied Palestinian Territory

During the period of last year, the situation of human rights in the Palestinian territory still occupied by Israel since the war of 1967, including East Jerusalem, has undergone no improvement. Contrary to the change expected by many in this field, mainly after Ehud Barak came to power in Israel, who astonished the world by being seemingly like Rabin, while in fact he is exactly like his predecessor Netanyahu, behaving in a delusive manner no longer hidden from anybody, a behavior which is dangerous and destructive to the peace process.

All fields of human rights violations in the occupied Palestinian territory, that the Commission on Human Rights has started examining more than thirty years ago, are still the same, and have witnessed no improvement, on the contrary, they are getting worst.

TORTURE

As a crime to which no statutory limitation shall apply to, irrespective of the date of its commission, and in total violation of the provisions of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, a report of Israel Watch dated 9-2-2000, revealed that each year 1000 Palestinian prisoners were subjected to torture, 20 of which were killed during

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interrogation. This fact has also been disclosed by the Israeli Committee against torture. In spite of the 6 September 1999 decision by the Israeli High Court of Justice banning torture and considering the torture methods used against Palestinian detainees illegal, the information received by the Palestinian Association for the Protection of Human Rights and Environment (LAW) still reveal complaints regarding the exposure of the detainee Ra'ed Ahmed Salim al-Hummari to torture in the al-Maskoubeyeh detention center. Other detainees also exposed to torture were Mohammed Ali Hamid Souman 17 years old from Taamreh/Bethlehem and Ali Issa al-Wahch, 20 years old, who was exposed to torture and beating for 70 days. The complaints received by this same Organization also unveiled use of torture against Palestinians in the prisons of Nafhah, Beer al-Sabaa and Askallan.

COLLECTIVE PUNISHEMENTS AND ETHNIC CLEANSING

As a war crime, and in violation of the principles of international law and international humanitarian law, the Israeli occupation authorities persist on their policy of ethnic cleansing and collective punishments against Palestinians in the occupied Palestinian territory, with the aim of evacuating the land from its indigenous Palestinian population.

Concerning the policy of house demolition, after the Israeli occupation forces have demolished 2236 Palestinian homes during the last ten years, they have also demolished 57 homes during the year 1999 in Ramallah, Hebron, Nablus, Bethlehem, Jerusalem, Gaza strip, Jenin and Qalqilyah. They have also issued 81 decision of house demolition. 70 of these decisions are to be implemented in the Mawassi region of Khan-Younes in Gaza Strip.

The Israeli occupation authorities also continue their policy of collective punishments against Palestinians, through the partial or complete closures they impose on Jerusalem preventing the Palestinians from the West Bank and Gaza Strip from entering the city.

These Israeli practices form a blatant violation of the provisions of the Fourth Geneva Convention of 1949 relative to the Protection of Civilian Persons in Time of War, and the Hague Convention of 1907, they also violate the agreements signed between the Palestine Liberation Organization and the Government of Israel.

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The total days of closures imposed on occupied Palestinian lands, including those under the Palestinian National Authority, reached last year 11 days.

OCCUPIED JERUSALEM

Amid the continued attempts and measures taken by the Israeli occupation authorities aimed at Judaizing occupied Jerusalem, and in violation of the provisions of the Fourth Geneva Convention of 1949 and the principles of international law, with the aim of emptying the city from its indigenous Palestinian population, is their persisting on the revocation of identity cards of Palestinian citizens of Jerusalem. In that respect, only during the period since the signing of the Wye River agreement, the occupation authorities have revoked 265 identity cards from the population of Jerusalem. These same authorities had already revoked during the years 1996, 1997, and 1998, 1003 Palestinian identity cards from the citizens of the occupied holy city; thus, and through such racist and ethnic measures, the Palestinian citizens and the population of the occupied city of Jerusalem are deprived from their properties and forced out of their city.

CRIME OF GENOCIDE

As a crime of genocide, to which no statutory limitation shall apply to, irrespective of the date of its commission, according to the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity, of 26 November 1968, the Israeli academic Teddy Katz revealed on 19 January 2000, by presenting credible evidence, a massacre in which the Israeli Army slaughtered as many as 200 Palestinians in a small village near Haifa on the very day the Jewish State came to existence in 1948.

The academic, Teddy Katz, reportedly obtained extensive testimonies form eyewitnesses, survivors and soldiers who actually took part in the carnage, and concluded that the massacre of Tantura was larger than notorious Deir Yassin massacre which took place few months before Tantura massacre at the hands of Israeli gangs there.

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DELIBERATE KILLING

In flagrant violation of the principles of human rights provided for in the Universal Declaration of Human Rights, the two International Covenants relative to human rights, and in a flagrant violation particularly of the right to life, the forces of the Israeli army of occupation and sometimes the Israeli settlers themselves in the Palestinian territory, killed 21 Palestinians during the period starting from last year until February 2000, hereunder is a list with the names of these martyrs:

1. Badr Mohamed al-Kawassmi, 25 years old, from Hebron, 6/1/1999,
2. Faiz Zitaoui, 57 years old, from Jerusalem on 12/1/1999,
3. Zaki Oubeid, 24 years old, from the Aissaouia village of Jerusalem on 26/1/1999,
4. Amin Hssein, 37, Al-Ram village, 14/3/1999,
5. Mahmoud Hassan Abu Hajar, 17 years old, Gaza, 28/4/1999,
6. Hammadi Khalifeh Radouan, 72, Qalqiliyeh, 1/5/1999,
7. Shadi Abu Dahrouj, 21 years olf, Gaza,
8. Nashat Salih Sharim, 25/5/1999,
9. Alaa Youssef Abu Sharakh, 23 years old, Hebron, 4/6/1999,
10. Adam Hassan al-Helis, 23 years old, Nablus, 23/6/1999,
11. Akram Alkam, 22 years old, Bethlehem, 10/8/1999,
12. Mahmoud Hashim al/Khatib, 29 years old, Nablus, 11/8/1999,
13. Khoder Badran, Jerusalem, 2/10/1999,
14. Moussa Fayez Abu Hlail, 30 years old, Bethlehem, 26/10/1999,
15. Iyyad al-Battat, 30 years old, Hebron, 13/12/1999,
16. Nemr Awad al-Massalmeh, 32 years old, Beit Oua village of Hebron, 14/12/1999,
17. Ibrahim Abu Merseh, a child of 11 years old, 14/1/2000,
18. Hssein Ghassan abd-el-Hadi, 25 years old, Nablus, 16/1/2000,
19. Loutfi al-Rajabi, 20 years old, Salvit, 20/1/2000,
20. Mrs. Fatima Abu Rmileh, 62, Hebron, 9/2/2000,

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21. Khaled Awad Rashid, 22 years old, Jerusalem, 12/2/2000.

To these victims, are to be added 250 wounded, who have been arbitrarily shot in different parts of the occupied Palestinian Territory.

ARBITRARY DETENTION AND DETENTION WITHOUT TRIAL

2199 Palestinian prisoners are still detained by the Israeli occupation authorities, most of them are detained without trial, 100 of these prisoners are youths under the age of 12. The Israeli occupation authorities are still delaying the release of these prisoners despite the reached agreements on their release.

ISRAELI SETTLEMENTS AND LANDS CONFISCATION

In a flagrant violation of the provisions of the Fourth Geneva Convention, mainly its Article 49, the international reports, namely the reports of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and other Arabs of the Occupied Territories, Document No. (A/54/73), of 13 April 1999, (A/54/73/Add.1) of 7 September 1999 and (A/54/325) of 8 September 1999, the report of Special Rapporteur Mr. Giorgio Jaicomelli issued in document (E/CN.4/2000/25), and reports of other human rights organizations, all these reports affirm that during last year, the Israeli occupation authorities have confiscated 40.178 dunums of Palestinian land, of which 19.691 dunums were used for settlement expansion and the establishment of new settlements. 3,830 dunums were declared to be confiscated by the "Israeli Civil Administration". 16, 657 dunums were confiscated to build new bypass roads.

The persistence of the Israeli occupation authorities on their policy of settlements in the Palestinian territory will no doubt destroy the peace process, since settlement is the consecration of occupation, and peace can not be consistent with foreign occupation.

During this same period, the occupation authorities have uprooted 15,180 trees belonging to Palestinians, most of them were olive, almond and fig trees.

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RACIAL ISOLATION - NEW APARTHEID

All during the years of occupation, the Israeli authorities are practicing a policy of geographical dismemberment of Palestinian towns and villages, isolating these localities from each other, either through bypass roads that are constructed on Palestinian lands, or through reinforcing the Israeli military presence between cities, between villages and between cities and villages, thus isolating Palestinians from each other, such as was the case of racial segregation during the Apartheid regime in South Africa. In that respect, Mr. Amada Dianj, Secretary General of the International Commission of Jurists said, during his visit to the region on 3 February 2000: "the circumstances under which Palestinians live in the Occupied Palestinian Territories is very similar to that of black South Africans under the regime of Apartheid". He noted "There are serious violations of Palestinian human rights which the international community must not overlook".

I would be grateful to you if you could have the text of this letter distributed to the distinguished members of the 56th session of the Commission on Human Rights, as an official document under agenda item 8.

Please accept, Excellency, the assurances of my highest consideration.

Permanent Observer Mission of PALESTINE to the United Nations Geneva

Nabil RAMLAWI
Ambassador
Permanent Observer of Palestine
to the Untied Nations Office
In Geneva

UNITED
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Economic and Social
Council

Distr.
GENERAL

E/CN.4/2000/137
22 March 2000

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-sixth session
Agenda item 9

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD

Note verbale dated 17 March 2000 from the Permanent Mission of the Union of Myanmar to the United Nations Office at Geneva addressed to the Secretariat of the Commission on Human Rights

The Permanent Mission of the Union of Myanmar to the United Nations Office and other International Organizations in Geneva presents it complements to the secretariat of the fifty-sixth session of the Commission on Human Rights and has the honour to enclose herewith a copy of a memorandum concerning the situation of human rights in Myanmar.*

The Permanent Mission would be grateful if the aforementioned document could be circulated as an official document of the fifty-sixth session of the Commission on Human Rights under agenda item 9 in all United Nations official languages.

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*The annex is reproduced as received, in English only.

Memorandum on the situation of human rights in Myanmar

Highlights

A good understanding of 5 fundamental phenomena --- 3 specific characteristics, a vision and one political process in Myanmar --- is essential to a full and proper appreciation of the current situation in Myanmar.

***The first characteristic specific to Myanmar** is that Myanmar is a multi-racial society with 135 national races.*

***The second specific characteristic** is its strategic geopolitical position, forming a link between South Asia and South-East Asia and situated alongside the biggest and most powerful Asian neighbouring countries.*

***The third specific characteristic** is that the problem of insurgency and that of maintaining peace and tranquillity have bedevilled the country since its independence in 1948 until recently.*

***A vision** shared by all the Myanmar people is to establish a modern, peaceful and developed democratic state.*

***The most important current political process,** taking place in Myanmar, is the constitution-making process through the National Convention that will lead to the emergence of a strong and enduring state constitution and the subsequent election of a democratic government in accordance with the new constitution.*

Because of these characteristics specific to Myanmar, the following are the foremost national tasks.

- ***to safeguard and consolidate unity and solidarity among the national races;***
- ***to maintain peace and tranquillity throughout the country;***
- ***to safeguard non-disintegration of the Union and sovereignty and to pursue an independent and active foreign policy***

The concrete achievements, accomplished by the State Peace and Development Council since its advent in 1988, include, among other things,

- ***the prevalence of peace and tranquillity throughout the country;***
- ***an unprecedented degree of national unity and reconsolidation,** as 17 armed groups except one faction, have returned to the legal fold and joined hands with the Government. Only one faction of the KNU remains outside the legal fold.*
- ***the significant economic progress, and the social and cultural uplift and the improvement of the living standards of the people.***
  Myanmar's economy has registered a healthy average growth rate of around 6.6 percent in current five-year plan for 1996-1997 to 2000-2001.
- ***the infrastructure-building on an unprecedented scale** throughout the whole country. The Government has completed to-date 101 bridges including 5 Ayeyarwady River-crossing bridges, 104 dams, 43 hospitals, 79 dispensaries, 350 primary schools, 46 secondary schools, 11 high schools and 3700 miles of road, to mention just a few statistics and also **the border area development on an unprecedented scale** for national races living in frontier areas.*

Inspired by the aforementioned vision, the Myanmar Government and the people are laying down a firm foundation to establish a modern, peaceful and developed democratic state through the process of the National Convention. They are also striving with verve and vigour to develop the country and to improve the well-being and political, economic and social life of the entire nation.

The following memorandum offers a fairly comprehensive and yet concise overview of the positive developments in Myanmar.

The present memorandum has been prepared for the ready reference of the Members of the Commission on Human Rights and observer delegations and also to enable them to better understand the real situation prevailing in the Union of Myanmar.

It is hoped that the participants of the 56th Session of the Commission on Human Rights will take into account these factors and will view this question from a more objective and balanced perspective.

Introduction

The 55th Session of the Commission on Human Rights adopted on 23 April 1999, resolution 1999/17 on the situation of human rights in Myanmar. Resolution 1999/17 decided to continue its consideration of the situation of human rights in Myanmar at the 56th session of the Commission on Human Rights. The resolution, inter alia, urged the Government of the Union of Myanmar to take certain measures in some areas of concern to the international community. Following the adoption of the draft resolution, the representative of the Union of Myanmar H.E U AYE contended that the resolution drew undue attention to one political party and one individual at the expense of the entire people of Myanmar found fault in the many accomplishments attained by the Government in uplifting the livelihoods of the inhabitants of border areas. The resolution implied that the national legislation and actual practice in Myanmar are not inconformity with the human rights conventions such as the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination Against Women which Myanmar is a party. Besides, the resolution totally ignored the positive measures taken by the Government to further improve the situation in the country. For this reason, the Myanmar delegation was compelled to dissociate itself from the said resolution. This, however, does not alter Myanmar's consistent policy of cooperating with the United Nations to the fullest extent possible .It also continues to demonstrate its sensitivity to and understanding of the concern of the international community. Myanmar has indeed, witnessed significant positive developments during the period since the adoption of resolution 1999/17 by the Commission on Human Rights, which are outlined below for favour of careful consideration by the member delegates or observer delegates.

Efforts for the prevalence of peace and stability

Peace and development are inseparable and mutually reinforcing. Development is not achievable in any country without first establishing peace. If we look at the developed nations of today, it can be seen that, they have no scenes of violence stemming from ethnic problems; nor do they have the plight of hunger and poverty.

Drawing lessons from the post-independence history of the country replete with the armed insurrections of the ethnic groups, resulting primarily from the divide-and-rule policy of the British colonial administration during the colonial era, the Government strongly believes that lasting peace can be achieved only through the strengthening of the unity among the national races. This belief led the Government to make energetic efforts to establish peace with the armed groups of the national races as a matter of top priority. As a result, the Government has been able to maintain peace and stability throughout the country. This is the first time in many decades that peace can be maintained for so many years on end. In the meantime, with a view to further consolidating the existing peace, the Government has launched an ambitious plan for the development of border areas and national races. The Government has spent over 15 billion Kyats on the plan.

Efforts are underway to persuade the sole remaining armed group --- one faction of the Karen National Union (KNU) --- to follow the example of other groups and return to the legal fold. This faction of the KNU is at present, still engaged in a futile armed struggle against the Government and still remains intransigent to the call of peace.

The KNU which was declared illegal in 1949, has undergone many changes both in its leadership and political programme. Currently, it masquerades as a democratic force and undertaking to destabilize the peace and stability achieved so far in the border areas by trying to instigate those armed groups which had already returned to the legal fold to reject the efforts of the Government and people to build a peaceful, prosperous and democratic nation.

However, the fighting strength of remaining faction of the KNU had far considerably deplored some five years ago when most of its ranks and files, who were dissatisfied with the leadership and who wanted peace, broke away from the main organization. It has lost all of its major camps in the country proper and its movements are now limited to operate in the form of small mobile units in certain areas across the border.

On the other hand, family members, sympathizers and supporters of the KNU are still based in the so-called refugee camps established across the border since the 1980s to elicit the support and sympathy of the international community. These camps are used by the KNU as a safe haven as they store their weapons there and launch attacks on the Government and the local populace of Myanmar.

It could be said that unfounded allegations and accusations against the Government emanate from these camps and also from the pocket areas in the frontier areas of the country where KNU remnant still hide. These allegations were quoted by those who bear ill-will against the Government as "credible sources'" of news regarding Myanmar and thus deliberately misleading the world community.

However, the Government, with sincerity and patience still extends the olive branch to the remaining faction of KNU and is ready to receive them back, including those living in the so-called refugee camps. In fact, in response to the goodwill gestures of the Government , one faction of the KNU -- The Democratic Karen Buddhist Association (DKBA)-has already returned to the legal fold. So did hundreds and hundreds of the remaining members of the KNU and they were warmly welcomed by the authorities by providing assistance. They have realized the genuine goodwill of the Government and are now participating in the regional activities. As many more are continuously coming into the legal fold, soon, the Kayin State will be a part of the development activities in the country.

Now is the time for the leader of the remaining faction of the KNU to seriously consider their main objectives for the Karen people and to commit themselves to bring peace and prosperity to their people and to the whole nation as well. They can look at the other armed national groups who have come into the legal fold and are working together with the Government for the betterment of their respective peoples. The remaining faction of the KNU would be welcomed similarly with open arms and their aspirations to develop their own race will be realized in a peaceful manner.

Suppression of narcotic drugs

The border areas of the Union of Myanmar have lagged behind other parts of the country in development owing to inadequate infrastructure and internal insurgency problems. It is there that most of the country's 135 national races reside. As the terrain is rough and mountainous, most areas are hard to reach. So the local populace relied totally on poppy cultivation which, unlike other perishable produce, does not need to depend on roads for transports. Years of ignorance kept them blind to the effects that opiate drugs have on the society and mankind.

Needless to say, the poppy cultivation was introduced into the country by the colonialists as it is not indigenous to Myanmar. Opium dens were even allowed to open freely in the country despite strong objection from the people, Buddhist clergy and the American Baptist missionaries. Later, in the early 1950s, the Kuomintang (KMT) troops which were forced out of the Southern Yunan Province of China by the People's Liberation Army of the People's Republic of China, took refuge and established base camps in Myanmar territory. They were encouraged, supported and financed by a western power with the aim of blocking further communist expansion in Asia. In the aftermath of the Second World War, the

CIA encouraged the production of opium in the region to help finance its own activities and its KMT allies. The proceeds were also used to pay for the considerable arsenal of arms supplied to the KMT and other various groups in Myanmar . No doubt, these activities also sowed the seeds of the current drug production problems in the border areas of Myanmar. After the bulk of the KMT were flown out of Myanmar, remnants of two divisions of the KMT remained active in those areas until 1996. They encouraged not only poppy cultivation in the golden triangle area as well as on the Myanmar-Yunan

(PRC) border, but were also responsible for the refining of opium into heroin and creating heroin markets in the region.

Abuse and illicit trafficking of narcotic drugs bring about crimes and undesirable activities like money laundering and deterioration of the moral characters of the population. The drug issue is a major socio-economic challenge to mankind. As it is a threat to the right of the people to enjoy a decent quality of life, it is with strong conviction that the Government of the Union of Myanmar has always held anti-narcotics measures as a national endeavour. In so doing, Myanmar has always contributed unstintingly to the fight against narcotic drugs Myanmar has made great sacrificed 776 of her soldiers sacrifices their lives and 2350 sustained injuries from the period 1988 to 1997.

The Government regards the suppression of narcotic drugs as a national task and the top priority. It has made all-out efforts for a three pronged attacks aiming at supply reduction, demand reduction and law enforcement. As stated above, certain border areas of Myanmar have totally relied on poppy cultivation. To totally change this aspect, the Government decided that it must strive for the development of border areas and national races. To this end, a Central Committee for the Development of Border Areas and National Races was formed on 25 May 1989. For more effective implementation of border areas and national races development, a separate ministry was instituted on 24 September 1992 and the Law on Development of Border Areas and the National Races was promulgated on 13 August 1993. The main purpose of the Law is the total elimination of poppy cultivation through creation of alternative economic activities for the local populace.

A Master Plan covering the period from 1999 to 2014 was adopted to totally eradicate poppy cultivation in cooperation with national groups which signed peace agreements with the government. The plan is currently being implemented in a comprehensive manner in 51 townships in the Shan, Chin, Kachin and Kayah States. The Plan includes activities such as eradication of poppy cultivation and opium production, interdiction and encouragement of local grass root participation in such activities. The Plan could be implemented in a shorter time if international cooperation is available.

Accordingly, several areas have been declared opium-free zones and poppy cultivators have now turned to alternative crops and stepped-up law enforcement measures have led to increased seizures of narcotic drugs. The 1997-98 records showed that 49000 acres of poppy plantations were destroyed by the government and the people. As crop substitution, buckwheat is being cultivated in these areas with the assistance from Japan. On the other hand, law enforcement personnel regularly seize and destroy illicit drugs and heroin refining laboratories. Members of the Diplomatic Corps, and journalists are always invited to attend the large-scale destruction of narcotic drugs. Delegates to the Fourth International Heroin Conference which was organized by the INTERPOL Secretariat and the Government held in Yangon in February 1999 participated in the destruction of narcotic drugs in Myanmar. This conference was attended by delegates from 28 countries and it contributed to enhance cooperation and understanding among nations to combat the war on drugs.

One of the reasons why the authorities of Myanmar decided to accept the conference to be held in Yangon is because Myanmar believes that without the will of the international community in caring to shoulder their responsibilities, Myanmar's fight against narcotic drugs will not be worthwhile nor pragmatic. The Secretary General of the INTERPOL, in his message to the conference commented that *"it is high time the international community becomes acquainted with the excellent work that is being carried out in Myanmar against the illicit production and trafficking of heroin"*.

While the issue of the illicit production and trafficking of heroin is being tackled , a synthetic drug in the name of *methamphetamine* has forced its way into the regional drug scene. This drug has surfaced in Myanmar just over two years ago, anti-narcotic officials of Myanmar are cooperating with the countries of the region and organization that have more experience and expertise for the control of this drug.

As the problem of narcotic drugs is a global issue, concerted efforts of the world community based on the principle of shared responsibility is urgently required. Relentless efforts of Myanmar are far from appreciated and for political reasons, criticisms against the Government of Myanmar continues. However, as pledged, Myanmar is committed to the total elimination of narcotic drugs ---- be it with or without the outside assistance. The Government and the people of the Union of Myanmar will continue to abide by this commitment with dedication and carry out the task to the end. But for those with other vested interest, it would be better for them to put politics aside and work for that common goal just for the sake of millions of people around the world whose lives are threatened and affected by this drug trade.

The elimination of narcotic drugs also helps for the alleviation of poverty in the border areas as opium cultivation goes hand in hand with ignorance and poverty. By working for the elimination of drugs, the populace of the border areas will also achieve at the same time better health care, education and infrastructure development and better life style. For these far reaching goals, the Government will continue to implement the 15-year plan and will at the same time cooperate with other ASEAN countries to achieve a "Drug Free ASEAN" by the year 2020.

Democratization process

The establishment of a democratic society in the Union of Myanmar is the cherished goal of the Myanmar people as they are fully committed to the achievement of this goal, they are now laying grounds for such a democratic system to emerge. Such a democratic system ought to reflect the aspirations of all the 135 national races of the country. While laying the ground work for a multi-party democratic system, the Government regards itself as a transitional government for the benefit and interest of the people and the nation. In other words, it is in the process of establishing and founding national unity, peace, stability and all-round development in the country in order that Myanmar shall become a peaceful, prosperous, modern and developed nation.

A strong and enduring state constitution is a pre-requisite for building a multi-party democratic state. Myanmar has had two constitutions since her independence from Britain. The first (1947) Constitution was drafted in haste and according to Britain's requirements. Serious flaws were embedded in it, and one of which was the secession question of the national races after ten years of independence. The insurgency problem which still haunts the country is the legacy of this constitution. In 1962, after the military took power over the state responsibilities, the 1947 Constitution was abolished and a new one-party socialist constitution came into existence in 1974. Again this constitution was abolished in 1988 for a multiparty democratic system.

The country has gone through hard times because of the way some political parties acted in the past and also due to the inherent weakness of those former constitutions. To keep the country perpetually stable and to have a functioning democracy, it is essential for Myanmar to have a strong and everlasting constitution.

With this in mind, the National Convention, a disciplined forum for political dialogue has been convening with the aim to lay down fundamental principles to be enshrined in the future state constitution. All political parties as well as representatives from all strata of society are taking part in the convention giving their opinions and discussing to finalize the state constitution that would reflect the aspirations of all the 135 national races residing in the Union. Through open and frank deliberations, the delegates have so far managed to reach consensus on over a hundred basic principles. At the moment, the

National Convening and Work Committees of the National Convention are working on the basic principles in the matter of power sharing between the central organs of the state and those of the States and Regions. With half of the National Convention already completed, the delegates will be able to discuss this important and sensitive issue when the National Convention reconvenes. In view of the sensitive nature and its far-reaching implications for the future of the country, it is vital for the National Convention to proceed with great caution to safeguard the interest of all national races and not to repeat the shortcomings of the previous constitutions.

The Government firmly believes that the National Convention is the only political process suitable for Myanmar and that consensus will be achieved finally for a system which will ensure enduring peace and stability in the country.

The Myanmar Government has managed to achieve the national reconsolidation and nation-building, an achievement which previous Governments were not able to do and had promoted peace and stability in the country. On the other hand, political and economic development is still sensitive and fragile and one false move could get the country to slide back into chaos and anarchic situation. With this in mind, it would not be difficult to understand why the government is determined to keep the momentum.

In this perspective, it is also important for the political parties in Myanmar to abide by the existing laws of the country. The Government does not interfere with the activities of the political parties when they pursue their work within the boundaries of the laws.

Like other political parties, the National League for Democracy (NLD) also enjoys all the rights and responsibilities in the country. But nevertheless, under various circumstances, NLD is bent to take advantage of the tolerance of the Government and has on more than one occasion set about courses of action which could lead to undesirable upheaval.

It is also a known fact that Daw Aung San Suu Kyi is also initiating and takes part in political activities of her party within the boundaries of prescribed regulations and her personal safety.

The Government is committed to establish a democratic society in the country according to the aspirations of its countrymen. As the Government is transitional in nature, it does not intend to exercise state power any longer than necessary and this stance has been repeated time and again. It will transfer the State power to the people by convening a parliament once a firm and enduring state constitution has been adopted.

However, a constitutional process in a country can proceed only as far and as fast as circumstances permit and Myanmar is no exception, but the Government is doing its utmost for the democratization process to succeed in the shortest time possible.

In fulfilling its responsibility to implement the transition of the country from one political and economic system to another, the Government has to balance the political rights of one person or one political party with the right of the whole population to live in peace and security. It also has to see the right to development of the entire population. At present, the Government views the right of the whole population to be of greater importance.

Attempts from outside to set the direction for Myanmar to move would not only hinder the pace of democratization but also prove to be counterproductive. However, the government of the Union of Myanmar will continue to be resolute in its commitment to establish a genuine multi-party democracy and will not waiver from the political agenda it has laid down.

Economic development of the country

The market-oriented economic policy of the Government and its full encouragement of the private sector has led to the achievement of sustained economic growth for the country over the several past years. The country achieved an average annual growth rate of 7.5 percent against the original target of 5.6 percent in its four-year plan from 1992-93 to 1995-1996. Total investment increased by an average annual growth rate of 31.6 percent during the plan period. This achievement was attained relying almost entirely on the country's own resources and foreign direct investment and also without the benefit of official development assistance (ODA) and concessional loans. However, the currency crisis in Asia has resulted in 5.3 percent reduction of foreign investment commitments in fiscal year 1997-98 compared to those in previous fiscal year and there were some slow-downs in economic growth. Even then the economic growth was still considerable, registering 5.7 percent against the target of 6.4 percent for the fiscal year 1998-99.

As adequate infrastructure is a precondition for the sustained development of the country, the Government is focusing its efforts on infrastructure development. The Government has completed to-date 101 bridges including 5 Ayeyarwady River-crossing bridges, 104 dams, 43 hospitals, 79 dispensaries, 350 primary schools, 46 secondary schools, 11 high schools and 3700 miles of road, to mention just a few statistics and also border area development on an unprecedented scale for national races living in frontier areas.

For the economic development of the country, another area to which the Government is paying particular attention is the agriculture sector. The agriculture sector of Myanmar accounts for 36 percent of GDP, 35 percent of total exports and employs 63 percent of total labour force. Therefore, agriculture sector occupied a place of importance in Myanmar economy. With a favourable ratio of population to land and abundant water resource, it is also an area Myanmar has a marked comparative advantage. For this reason, the first of the four national economic objectives of the Government is the development of agriculture as the base for all-round development of other sectors of the economy as well. To promote agriculture productivity, the Government has laid down five strategic measures under which it is carrying out an extensive programme of land reclamation in wet land and virgin land, granting large land holdings to private companies. As a result, the private sector alone has added 1.1 million acres to the existing arable land. At the same time, with a view to provide sufficient water to the agriculture sector, the Government has instituted a substantial programme for the construction of new reservoirs and dams, resulting in considerable increase in irrigated areas. Up to now the Government has constructed 104 dams. Through these efforts for the promotion of agriculture productivity, the Government is aiming to increase it exports of rice and to contribute to food supply both domestically and regionally.

Positive developments regarding the recommendations of the ILO Commission of Inquiry

The Union of Myanmar with her recorded history of over one thousand years, is rich in culture and tradition. Among the traditional customs endeavoured in Myanmar since time immemorial and which is still in practice is the contribution of labour. Myanmar nationals believe that the contribution of labour is both meritorious and conducive to mental and physical well-being. Accordingly, the local populace contribute labour in village community works. Construction and maintenance of religious edifices like pagodas, monasteries and temples, constructions of roads, bridges, hospitals as well as digging and cleaning lakes, ponds, wells and irrigation systems. Instead of looking tortured or forced, the populace who are contributing labour look fresh and happy with full of mirth and laughter and in festive mood. This is one of the glaring proofs of the difference between the east and the west.

As the areas which were once inhabited by armed national groups are peaceful now owing to the Government's national reconsolidation process, a large number of armed forces personnel are now assuming the full responsibility for the construction of new motor roads and railroads in the country. In the past, when insurgency problem was rampant in the country, the Armed Forces members have

sometimes had to employ civilian labourers to transport equipment and supplies over difficult terrain in the remote areas during military operations. Wages and other basic needs were adequately provided to the labourers in accordance with the rules and regulations of the country. Even such use of civilian labourers by the Armed Forces is just in practice now as almost all the armed groups have returned to the legal fold. The Government does not practice or condone the practice of forced labour.

But in recent years, there had been repeated allegations of the practice of forced labour in Myanmar and also that the relevant sections of the existing Village Act and the Towns Act of 1907 , a legacy from the British colonial rule, were not compatible with the Forced Labour Convention 1930 (No.29).

Under the instruction of the Government of the Union of Myanmar, the Ministry of Home Affairs embarked on a review process in coordination with other Ministries either to amend or to supplement or to repeal the aforementioned two Acts to bring them in line with the changing situations and conditions of the country.

As a result of this review process, the Home Ministry issued Order No.1/99 on 14 May 1999, which instructs the Village Tract and Ward Peace and Development Councils and other local authorities concerned not to exercise the powers under those provisions of the two Acts relating to requisition for personal services. As the Order 1/99 was issued under the Directive of the State Peace and Development Council, which is the law-making body of the nation, it has the full force of law. It is indeed law.

Various means were utilized to give the widest possible publicity to the Order by explaining about to the local and international media in addition to circulating it to the State bodies and local authorities concerned. Moreover, the Order was published in the official National Gazette on 25 June 1999 - an official record where all laws, notifications, rules, regulations, directives and orders are officially published. This Order clearly stipulates that any person who fails to abide by the order shall have actions taken against him or her.

Furthermore, the Ministry of Home Affairs directed to all local authorities concerned and all the police stations in the whole country to notify the Ministry of any complaint lodged for the breach of the Order. It has been informed that no complaints whatsoever have been made as of 15 January 2000.

In view of the above it is quite clear that the positive and effective measures have always been taken in accordance with the recommendation of the Commission of Inquiry of the ILO Convention (29) of 1930

It is important to note here that the Commission of Inquiry recommended only to bring the Village Act and Towns Act of 1907 in line with the ILO Convention (29). The recommendations do not specify the legal modalities of accomplishing this objective. As a matter of fact this objective has already been accomplished by the Myanmar authorities by the promulgation of Public Order 1/99 of 14 May 1999.

As a long-standing member of the ILO, Myanmar has maintained the tradition of closely cooperating with the organization. To keep in line with this tradition, the Government of the Union of Myanmar has on 14 October 1999 invited a technical team of ILO to visit the country in order that the two sides could discuss issues of mutual interest. The invitation still stands .

Similarly, the Government also invited Dr. Payaman J. Simanjuntak. of Indonesia to visit Myanmar in order that he may see first-hand the real situation on the spot and study the labour issues in the country.

Developments in the field of human rights

Myanmar whole-heartedly subscribes to the human rights norms enshrined in the Universal Declaration of Human Rights. On numerous occasions, it has been underscored that the Government does not condone any human rights violations. As a developing country, Myanmar gives particular attention to basic human rights such as food, clothing and shelter of the people.

At the same time, the Government of the Union of Myanmar is also prepared to cooperate with the relevant international organizations wherever necessary. One example of which is the significant step which the Government took in that direction in mid-1999. It received in Yangon a delegation from the International Committee of the Red Cross (ICRC) and made detailed arrangements for the delegation to visit the prisons in Myanmar and to interview the inmates in accordance with the ICRC standard procedures. The visits to the prisons were very successful and productive as the Government extended

full cooperation to the ICRC delegation. The visits enabled both the ICRC and Myanmar to build mutual trust and goodwill and it is the initial step towards further cooperation with the ICRC.

Furthermore, in July 1999, the Government received a fact-finding mission of the Troika of the European Union in Yangon. It is hoped that the mission should pave the way for further significant strengthening of the relations between EU and Myanmar.

Similarly, in August 1999, the Government accepted Mr. Chris Sidoti, the Australian High Commissioner for Human Rights to visit Myanmar. The visit provided an opportunity for Myanmar and Mr. Sidoti on the possible establishment of a national human rights institution in Myanmar. It also opened an avenue for cooperation between the two countries on human rights issues.

Myanmar showed its continued cooperation with the United Nations by accepting Mr. Alvaro de Soto, Assistant Secretary General of the United Nations to visit Myanmar. He arrived in November 1999 and while in Yangon, he met the authorities concerned and some leaders of the national races who have exchanged arms for peace and entered the legal fold.

Religious tolerance

Myanmar is a predominantly Buddhist country as nearly ninety percent of its population of over 48 million are Buddhists. Understandably, those citizen of other faiths may be concerned about possible persecution or intolerance by another faith which is dominant. This concern, which is without reason, has been exploited by some for their own political motivation. Based on this misinformation, allegations on religious intolerance in Myanmar were deliberately made to mislead the public opinion of the international community.

Far from these allegations, religious harmony and freedom is a well-known fact and a shared tradition in Myanmar. The Government of the Union of Myanmar fully believes the importance of religious freedom in a multi-racial country like Myanmar and gives equal treatment to all the religions in the country. Our previous two Constitutions provided for safeguards against religious discrimination and religious intolerance. Similarly, the fundamental principles we have agreed upon in the National Convention process guarantee religious indiscrimination and religious tolerance.

As religious harmony and freedom in the country is a tradition shared by all faiths, the Government has taken all necessary steps to encourage this prevailing harmony. This done by continuous contacts with the respective religious leaderships and providing necessary assistance in both financial and material terms in order that they may be able to promote their faiths effectively.

The Government is determined to safeguard, to the best of its ability, all the religions of the country against intolerance and help them in all possible ways to co-exist harmoniously with each other.

The right to development

The most fundamental and essential requirement for a country like Myanmar is to fulfill the basic needs of the people---food, clothing and shelter and also to raise their standard of living. Other aspects of human rights cannot be effectively implemented without ensuring these basic rights. Civil and political rights are important but the Myanmar people believes that economic, social and cultural rights are equally important.

With this belief, the Government is making efforts for the advancement of economic and social conditions in the country where peace and tranquillity prevails currently. A transition from a socialist economy to an open-market one was made and the private sector played the major component of the market system. It has led the achievement of sustained economic growth for the country over the past several years. Myanmar achieved an average annual growth rate of 7.5 percent against the original target of 5.6 percent in its four-year plan from 1992 to 1996. During the plan period, total investment also increased by an annual growth rate of 31.6 percent. This was achieved entirely by the country's own resources, foreign direct investment and without the benefit of ODA (Official Development Assistance) and concessional loans. But the currency crisis of Asia has resulted in 5.3 percent reduction of foreign direct investment commitments in fiscal year 1997-98 compared to those in previous fiscal year. It resulted in slow downs in economic growth.

For the sustained development of the country, an adequate infrastructure is a pre-requisite and the Government is focusing its efforts on infrastructure development. The Government has completed to-date 101 bridges including 5 Ayeyarwady River-crossing bridges, 104 dams, 43 hospitals, 79 dispensaries, 350 primary schools, 46 secondary schools, 11 high schools and 3700 miles of road, to mention just a few statistics and also border area development on an unprecedented scale for national races living in frontier areas.

Another area for the economic development of the country to which the Government is paying particular attention is the agriculture sector. This sector accounts for the 38 percent of GDP, 40 percent of total exports and employs 63 percent of total labour force. Therefore, economic sector occupies a place of importance in Myanmar economy. With a favourable ratio of population to land, and abundant water resource, it is also an area Myanmar has a marked comparative advantage. For this, the first of the four national economic objectives of the Government is the development of agriculture, the base for all-round development of other sectors of the economy as well.

With the aim of promoting the agriculture sector, the Government has laid down five strategic measures under which it is carrying out the programme of extensive land reclamation in wet land and virgin land, and granting large land holding to private companies. As a result, the private sector has added 1.1 million acres to the existing arable land. To provide sufficient water, new reservoirs and dams were constructed. Up till now, 97 dams were constructed. The aim of the Government is to increase its rice export and to contribute to food supply both domestically and regionally.

Rights of the child and rights of women

To upgrade the standards of health, education and fitness, the Government has laid down its social objectives accordingly and relevant ministries are working toward the successful realisation of these objectives.

The Government believes that to uplift the morals and morality of the country, the rights of women and children must be protected and further promoted as these groups form the most vulnerable groups. To reach this goal is to work within the framework of the UN system and accordingly Myanmar became State party to the UN Convention on the Rights of the Child in 1991 and in 1997 acceded to the UN Convention on the Elimination of All Forms of Discrimination Against Women. These measures

clearly demonstrate the importance the Government attaches to the welfare of women and children of the nation.

The Child Law was promulgated in 1993 and the National Committee on the Rights of the Child was formed to effectively implement the provision of the Law. Apart from it, Committees on the Rights of the Child were also formed in State and Division levels and district level. Juvenile courts were established and township judges were conferred as Juvenile Judges in areas where no such courts were established yet. The departments of health, basic education and social welfare carried out the programmes of action in collaboration with the UNICEF.

Though there are constraints in carrying out the task of implementing the Convention fully and the fact was mentioned in the National Report of Myanmar to the Committee on the Rights of the Child, the Government of Myanmar is doing its utmost to overcome the difficulties on its own resources.

In the area of promotion and protection of rights of women, the Government has also assumed a leading role for the advancement of women and the National Committee for Women Affairs (NCWA) was formed in 1996. Subsequently, the Working Committee for Women's Affairs was established with different sub-committees under it on education, health, culture, economics, the girl child and violence against women.

Under its auspices, the First Myanmar Women's Conference was convened in December 1998 with the aim to develop the life of women in Myanmar. Plans to bring about interests of Myanmar women was adopted by the Conference.

The Regional Consultation on Violence Against Women and the Role of Health Sector was held in Yangon in early 1999 as the issue of violence against women is of major concern of the world community.

Violence against women is not a major issue in the country because of the unique culture, tradition and practice of the society in Myanmar. Nevertheless, surveys and research projects are launched in the country in order to obtain more data on this subject.

Discussion and seminars on violence against women are held in various townships and counseling is also made available to the women in need of such service. Myanmar women officials also participate in ASEAN meetings to exchange experience and knowledge in the field of women issues. In short, the role of Myanmar women plays an important part in the national development process.

There are also other women's organizations and among them are Myanmar Maternal and Child Welfare Association (MMCWA), the Myanmar Women's Sports Federation (MWSF), the Women Chapter of the Myanmar Medical Association (WCMMA) and the Myanmar Women Entrepreneurs Association (MWEA) to name a few.

The Myanmar Maternal and Child Welfare Association (MMCWA) is actively playing a leading role in the following sectors such as catering to the health of mothers and children in urban and rural areas, reducing maternal and infant death rates, conducting training in breast feeding, taking part in National Immunization Day activities, birth spacing projects and taking control measures for AIDS, prevention of iodine deficiency, providing health care services. These could be seen as important activities concerning women and children. The officials of this association also aided the officials of the Health Ministry of Myanmar to draw health plans. Though these organizations are non-governmental organizations, the Government renders assistance to them in order that they may be able to carry out their programmes more efficiently.

Conclusion

The Government of Myanmar is committed to the establishment of a democratic political system and taking steps towards that goal. At the same time, the Government is making every effort to improve the overall situation of the country in the faith of various constraints and obstacles and undue political pressures. The fact that peace is at present prevailing in areas where insurgencies were wide-spread in the past and the achievements on the economic forefront attested to the success of the Government's efforts.

Consideration of the situation of human rights in Myanmar without fully taking into account all aspects of the difficulties confronted in transition to a new political system will not be fair and balanced by any standards. It is hoped that the draft resolution will faithfully reflect the objective situation in the country and the positive measures taken by the Government in a fair and balanced manner.

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UNITED
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Economic and Social
Council

Distr.
GENERAL

E/CN.4/2000/138
22 March 2000

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-sixth session
Agenda item 14 (c)

SPECIFIC GROUPS AND INDIVIDUALS

MASS EXODUSES AND DISPLACED PERSONS

Letter dated 15 March 2000 from the Chargé d'affaires a.i. of the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office at Geneva addressed to the Chairperson of the Commission on Human Rights

I have the honour to transmit, enclosed herewith*, a document entitled "Information on the humanitarian situation in the Federal Republic of Yugoslavia". I would like to ask you to have it issued as an official document of the fifty-sixth session of the Commission on Human Rights under agenda item 14 (c).

(Signed) Branko BRANKOVIC
Ambassador
Chargé d'affaires a.i.

* The annex is reproduced as received, in the language of submission only.

GE.00-11825 (E)

INFORMATION
on the humanitarian situation in the Federal Republic of Yugoslavia

Introductory remarks

The prolonged sanctions and their further maintenance in the form of an outer wall of sanctions and sanctions unilaterally imposed by some countries or groups of countries, as well as the NATO aggression and bombing of the Federal Republic of Yugoslavia have had serious economic and social consequences on the population of our country and on the refugees who found sanctuary in it. Total direct and indirect losses due to the sanctions and NATO bombing are estimated at US$ 250 billion in the 1992-2000 period. According to still incomplete assessment of the damage, the damage as a result of NATO bombing alone amounts to US$ 100 billion. The serious humanitarian situation will be difficult to overcome without a considerable international assistance, in particular from the humanitarian organizations within the UN system of specialized agencies, over a longer period of time.

Several thousand people were killed in the NATO aggression. Three million children were directly at risk because of an indiscriminate bombing of populated areas. Children account for 30 per cent of all killed and 40 per cent of all the wounded. At the same time, as many as 200,000 refugee children from Croatia and Bosnia and Herzegovina, who had found shelter in the FR of Yugoslavia, once again experienced the horrors of war.

The destruction of commercial and transport infrastructure, housing, hospitals, health institutions, schools, and in particular the power supply system have brought about a very serious humanitarian situation in the country. 100,000 workers lost their jobs as a direct result of the bombing of their industrial facilities and an additional 400,000 indirectly. This in effect means that approximately 2 million people were deprived of their livelihood. In addition, there were already 900,000 people out of work in the FR of Yugoslavia and about 800,000 were made redundant directly as a consequence of the outer wall of sanctions in place over a longer period.

The Federal Republic of Yugoslavia is faced with a fact that the bombing most severely affected the income-generating sectors such as raw materials, electricity and food, which are the country's traditional exports. Destruction of commercial capacity has reduced the possibility of generating GDP which is down by 40 per cent, reflected in a further impoverishment of the population, cuts in the welfare state (health and pension schemes, social security, education) and in a trend towards increased emigration.

The FR of Yugoslavia therefore calls for the broadening of the scope of humanitarian assistance to include both the reconstruction and revitalization of the infrastructure so as to cater for the basic needs of the population. As a result, priority attention should be given to repair of the damaged and construction of the destroyed railways, roads, bridges, residential buildings, collective refugee centres, demolished schools, damaged and destroyed health institutions, heating plants and power distribution systems, as well as to direct assistance in heating oil.

It may be recalled that humanitarian assistance to the FR of Yugoslavia has been greatly politicized. Conditioning of humanitarian aid, not including Yugoslavia in the programmes for the reconstruction, rehabilitation and economic integration of its region indicate a strategic interest of a number of major countries in the region. Therefore, the assessment of the humanitarian situation in the FR of Yugoslavia should be devoid of any political conditionalities insofar as the needs of its population are concerned, including refugees and displaced persons in our country.

Refugees and displaced persons

(1) Following the outbreak of wars in the territory of the former Socialist Federal Republic of Yugoslavia and secession of the former Yugoslav republics, the Federal Republic of Yugoslavia has confronted the problem of refugees. The number of refugees varied as a result of the heavy fighting and was between 350,000 and 800,000.

In co-operation with UNHCR, the FR of Yugoslavia registered in 1996 the refugees and other persons affected by war. This registration showed that in the territory of the FR of Yugoslavia there was as many as 650,000 refugees from Croatia and Bosnia and Herzegovina, 620,000 of them in Serbia alone. The greatest and massive influx of refugees into the FR of Yugoslavia took place in August 1995, when in the first ten days alone, Croatia ethnically cleansed 250,000 Serbs of Krajina, which was followed by the so-called silent exodus of Serbs from Eastern Slavonia. According to our estimates there are as many as 700,000 refugees in the FR of Yugoslavia.

Unlike other countries, around 90 per cent of the refugee population in the FR of Yugoslavia has been accommodated with relatives or friends. Furthermore, most of the refugees have chosen to settle in the more developed parts of the Republic of Serbia and Montenegro.

After the adoption of UN Security Council resolution 1244 (1999), deployment of KFOR security forces and UNMIK civilian administration in Kosovo and Metohija, the FR of Yugoslavia is again faced with a new exodus - this time the exodus of Serbian and Montenegrin people and other non-Albanian population from this Serbian province. Since the arrival of

KFOR and UNMIK, 350,000 non-Albanians left Kosovo and Metohija, out of whom 270,000 are Serbs.

Almost 90 per cent of internally displaced persons from Kosovo and Metohija have been accommodated with families and relatives while 10 per cent only in collective centres. Most of internally displaced persons from Kosovo and Metohija have been accommodated exactly in the part of the Republic of Serbia destroyed most in the NATO aggression.

Despite the fact that the Federal Government and the Government of the Republic of Serbia have undertaken all possible measures in order to ensure to internally displaced persons all human rights, guaranteed to them as citizens of the FR of Yugoslavia, we are facing great problems in accommodating internally displaced persons in collective centres, i.e. in providing alternative accommodation, food, footwear, clothes and medicine, primarily due to the lack of financial resources.

(2) In the past eight years, the FR of Yugoslavia spent between 5-10 per cent of its GDP on refugee related costs - accommodation, food, clothing and footwear, health and social welfare, as well as education. Before the NATO aggression, international humanitarian assistance covered only 10 per cent of total refugee-related costs.

In the prevailing precarious economic situation, as a consequence of several years-long outer wall of the sanctions and NATO aggression on our country, the care for refugees and internally displaced persons requires great sacrifices. A large portion of domestic population is in a very difficult situation and is not in a position to shoulder the burden of the costs related to refugees and internally displaced persons. In such circumstances, there is a continuing pressure of refugees and internally displaced persons to be accommodated in collective centres. There are more than 650 of those in the FR of Yugoslavia. In 1999 alone, the accommodation costs in collective centres in the FR of Yugoslavia amounted to US $ 23 million, out of which US $ 9 million were provided by UNHCR for heating, maintenance and partly for food (this winter).

In view of the above, it is clear that the FR of Yugoslavia will not be able to solve all the problems of refugees and internally displaced persons alone, without a substantial international assistance for accommodation, creation of conditions for normal life and durable solutions. In this context, we consider that it would be appropriate to hold a donor conference on the humanitarian situation in the FR of Yugoslavia. Even more so, since such conference would not be held for purely political reasons, unlike the conferences on Bosnia and Herzegovina and Croatia, and a separate one on assistance to Kosovo and Metohija.

(3) Due to non-implementation of the Dayton peace accords (Annex 7) and the Agreement on the normalization of relations between the FR of

Yugoslavia and Croatia, by Croatia and Bosnia and Herzegovina, the number of refugees returning to those countries is negligible.

The return to Bosnia and Herzegovina produced marginal results. Out of around 8,000 applications, some 1,200 were granted. There were 1,050 UNHCR-assisted returns to Bosnia and Herzegovina. The competent authorities in Bosnia and Herzegovina ignored 6,500 applications. The last granted application for return to Bosnia and Herzegovina dates back to August 1998. It is impossible to get accurate information on the number of the so-called spontaneous returns to Bosnia and Herzegovina, since there have been no cases of deregistration of refugees and because many refugees "commute between the FR of Yugoslavia and Bosnia and Herzegovina".

The number of returns to Croatia is minimal primarily due to the lack of political will on the part of Croatian authorities and a lot of red tape with a view to slowing down or preventing the returns.

Until the end of September 1999, 4,000 people returned to Croatia with the assistance of UNHCR, although there were 25,000 applications for return. Out of that number, 7,700 got permission to return, 5,600 got permission but have nowhere to go, because their houses are either destroyed or inhabited by Croats from Bosnia and Herzegovina, while 7,400 received no response at all.

The FR of Yugoslavia expects the international community to live up to its promises concerning the return of Serb refugees to Croatia. The change of Croatia's position cannot be expected without a genuine pressure by the international community. This is particularly evident on the basis of the first activities of a new Croatian Government which essentially continues the policy of the previous Government in this field, and insists on conditioning the returns on the financial assistance of the international community to Croatia. Only for housing of 7,000 Serb refugee families (16,500 people) whose returns have been granted, the Croatian Government is seeking US $ 55 million in assistance.

This clearly speaks that Croatia continues with the previous policy in this field and is not ready to essentially deal with the issue of refugee and expelled Serbs, namely with the issue of their existence, restitution of their property and equal treatment of all those wishing to return. Legal amendments and formal administrative approvals do not suffice. It is obvious that a programme of return, as envisaged by the new Croatian Government as well, is aimed at delaying the process of returns, whereby refugees would lose interest as well as the international community which would finally give up further pressure, which would result in Croatia's taking the issue of the return of Serbs off the agenda for good.

In the prevailing difficult economic situation, when the brunt of the burden of caring for the refugees is being borne by our country, it is difficult for the FR of Yugoslavia to accept the expectation of the international community that, in the absence of conditions for an unimpeded return to Croatia and Bosnia and Herzegovina, this process be replaced by local integration.

Repatriation of refugees as the most acceptable durable solution is a priority for the FR of Yugoslavia. The implementation of this kind of a durable solution requires prior guarantees of both the international community and the Governments of Croatia and Bosnia and Herzegovina that refugees will be accepted in the regions they are returning to and that they will be provided conditions for a permanent and safe life in dignity.

At the same time, a number of refugees will not be able to get back to the regions they have been driven out of. That is why it will be necessary, with the assistance of the international community, in particular UNHCR, to provide financial resources for their permanent accommodation, i.e. integration in the FR of Yugoslavia.

(4) A brutal aggression committed by NATO against our country allegedly to prevent a humanitarian disaster of the ethnic Albanians in Kosovo and Metohija, actually resulted in a humanitarian catastrophe of the Serbian, Montenegrin and other non-Albanian population. An exodus of internally displaced persons from Kosovo and Metohija is a consequence of a blatant non-implementation of UN Security Council resolution 1244 (1999) by KFOR and UNMIK, as well as of the conduct without hindrance of the policy of genocide and ethnic cleansing practised by the terrorists of the so-called KLA under the auspices of the United Nations.

Since KFOR and UNMIK came to the Province, more than 8,000 serious criminal acts have been committed against Serbs and other non-Albanians, of which 4,354 were most serious crimes. From 12 June 1999 to 27 February 2000, 839 Serbs and other non-Albanians have been killed and 784 abducted or missing. More than 50,000 Serbian homes have been looted or set on fire, while 84 monasteries and temples belonging to the Serbian Orthodox Church have been demolished or destroyed.

Responsibility for the ethnic cleansing lies with the civil and security presences of the United Nations, which failed to discharge their mandate under Security Council resolution 1244 (1999) of ensuring a safe environment for all inhabitants of Kosovo and Metohija.

It is expected that the international community, namely KFOR and UNMIK, will consistently carry out their obligations relating to keeping a multi-ethnic and multi-confessional character of this southern Serbian Province, guaranteeing full security and safety of all the population, irrespective of their ethnic origin, as well as their human rights and the rule of law.

The international community has demonstrated how efficient it was when Albanians returned to Kosovo and Metohija. In this context, it is hoped that the same international community will be equally efficient in ensuring safe conditions for an unimpeded return of Serb and Montenegrin IDPs and other non-Albanian population of Kosovo and Metohija, fully respecting all their political, civil, economic, social and cultural rights, especially the right to life, safety of the person, free movement, the right to private property, employment, health care, education, etc.

March 2000

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/2000/139
22 March 2000

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-sixth session
Agenda item 9

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD

Letter dated 20 March 2000 from the Chargé d'affaires a.i. of the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office at Geneva addressed to the Chairperson of the Commission on Human Rights

I have the honour to transmit, enclosed herewith* a document entitled "Position paper of the Government of the FR of Yugoslavia concerning elections and future political status of Kosovo and Metohija". I would like to ask you to have it issued as an official document of the fifty-sixth session of the Commission on Human Rights under agenda item 9.

(signed) Branko Brankovic
Ambassador
Chargé d'affaires a.i.

* The annex is reproduced as received, in the language of submission only.

GE.00-11818 (E)

POSITION PAPER OF THE GOVERNMENT OF THE FR OF YUGOSLAVIA CONCERNING ELECTIONS AND FUTURE POLITICAL STATUS OF KOSOVO AND METOHIJA

I

Recently, at several international meetings (G-8 in Berlin, 8-9 March 2000, the trilateral EU-US-Russia meeting in Lisbon, 3 March 2000), initiatives were launched to hold local elections in Kosovo and Metohija under international supervision, by the end of the year.

It is an indisputable fact that free, democratic and fair elections can be held only if necessary conditions are created and if UN SC resolution 1244 (1999) is fully respected.

The FR of Yugoslavia resolutely rejects any attempt at advocating or holding elections in the Province until all necessary conditions have been created - above all, firm peace and stability, in accordance with UN SC resolution 1244 (1999).

This implies:

- the respect of the sovereignty and territorial integrity of the FR of Yugoslavia and its legal order, in accordance with the clear provisions of UN SC resolution 1244 (1999) and its related documents;
- unimpeded and safe return of all expelled Serbs and other non-Albanian population;
- full personal and property security of all citizens of Kosovo and Metohija;
- preservation of the multi-ethnic and multi-confessional character of the Province;
- agreeing the fundamental parameters of a political settlement for Kosovo and Metohija with the Government of the FR of Yugoslavia, as well as organization and conduct of elections in accordance with the existing legislation of the Republic of Serbia and the FR of Yugoslavia.

The respect of the sovereignty and territorial integrity, as well as of the legal order of the FR of Yugoslavia implies that civil registration in Kosovo and Metohija for the purpose of elections be made on the basis of the existing legislation and with direct and active participation of the Republic of Serbia and the FR of Yugoslavia.

It is necessary to establish the kind of institutions the elections will be held for, local or provincial, and that they be based on the existing legislation of the Republic of Serbia and the FR of Yugoslavia. Civil registration, i.e. voter registration, also has to be based on the regulations of the FR of Yugoslavia and be carried out by

its competent authorities and not by the "Interim Administration", whose political mandate is time-limited.

To be legitimate, the elections have to be based on the constitutional-legal system of the Republic of Serbia and of the FR of Yugoslavia. If these preconditions were not ensured, the elections would be unconstitutional, which would enable the Province to continue with the process of separation from the Republic of Serbia and the FR of Yugoslavia, contrary to UN SC resolution 1244 (1999).

In conditions of continued terror and final stages of the ethnic cleansing of Serbs and other non-Albanian population in the Province, the lack of conditions for a return of more than 350,000 expelled persons and an illegal presence of several hundred thousand foreign nationals in Kosovo and Metohija, it is evident that not even basic preconditions exist for civil registration in the context of the preparations for elections. Ignoring the above facts and insistence by the OSCE and UNMIK on the registration in the prevailing conditions, represent an attempt to impose the policy of fait accompli, to legalize the results of ethnic cleansing and further destabilize the Province in line with the separatist aspirations of Albanian extremists. Verbal insistence on the alleged need to prepare well for the elections and the need for all refugee and expelled Serbs and non-Albanians to take part in them, is an obvious attempt to make these tendencies legitimate.

The FR of Yugoslavia and the Republic of Serbia cannot be a cover or a front to legalize the activities contrary to UN SC resolution 1244 (1999). Therefore, the activities concerning civil registration in the Province, not carried out on the basis of the laws of the FR of Yugoslavia and the Republic of Serbia, cannot be considered legally or binding.

II

Ever since the onset of the crisis in Kosovo and Metohija, provoked by the escalation of Albanian terrorism and separatism, the FR of Yugoslavia advocated a political solution, on the basis of substantial autonomy within the Republic of Serbia and the FR of Yugoslavia and guaranteeing full equality of all citizens and ethnic communities living there. Only a solution representing an outcome of a democratic political dialogue between the competent authorities of the Republic of Serbia and the FR of Yugoslavia with the representatives of all ethnic communities in the Province, is legitimate and acceptable for the FR of Yugoslavia.

Manipulating the UN Security Council in order to make it verify the "elements" of a future political status of the Province, in whose formulation the competent authorities of the FR of Yugoslavia and the Republic of Serbia would not take direct part, would represent the most flagrant violation of the sovereignty and territorial integrity of the FR of Yugoslavia. "Success" of such a scenario would only enable KFOR and UNMIK, above all, B. Kouchner, to legitimize all their illegal acts and decisions and provide covert support to Albanian separatism.

Operative paragraph 10 of the Resolution, as well as para 5, Annex II of the Resolution, set precise limits for the "Interim UN Administration" in Kosovo and Metohija concerning "substantial autonomy". This implies that the Security Council authorized the UN Secretary-General, i.e. his Special Representative, to establish an "interim administration for Kosovo under which the people of Kosovo can enjoy substantial autonomy". In doing so, the Security Council did not or could not, under the Charter of the United Nations, vest the administration of a sovereign power with the Secretary-General, i.e. his Special Representative. Therefore, the Secretary-General, i.e. his Special Representative do not have authority to establish a formal and legal framework for the future status of the Province It can be done only by the competent State authorities of the FR of Yugoslavia and of the Republic of Serbia, whose integral part Kosovo and Metohija is, in accordance with the procedure set by the laws of the FR of Yugoslavia and the Republic of Serbia.

With the chaos and lawlessness prevailing in the Province and in a situation when it is practically ethnically cleansed of Serbs and other non-Albanian population, there are not even the minimum conditions to embark upon a democratic political dialogue between the official representatives of the FR of Yugoslavia and the Republic of Serbia with legally elected representatives of all ethnic communities in the Province on the parameters of "substantial autonomy" as a final political solution, on the basis of UN SC resolution 1244 (1999).

Any attempt at imposing a solution for a future status of the Province, regardless of international factors concerned, would represent a gross violation of the key provisions of UN SC resolution 1244 (1999) ant its related documents, as well as of the fundamental principles of the UN Charter, OSCE Helsinki Final Act, etc. Such attempts would further destabilize the situation in Kosovo and Metohija and provide direct support to Albanian separatists and terrorists in their attempts to fulfil their separatist goals.

The Security Council has an obligation to prevent any attempt to violate UN SC resolution 1244 (1999) and its related documents, particularly those flagrantly violating the sovereignty and territorial integrity of the FR of Yugoslavia. The FR of Yugoslavia will not recognize any acts implying the violation of its sovereignty and territorial integrity nor will they have any legal effect for it.

The FR of Yugoslavia insists on the consistent implementation of UN SC resolution 1244 (1999) and its related documents, as the only guarantee of a lasting and stable peace not only in the Province but in the broader region, as well and expects full support of all UN Member States for its legitimate demands in connection with the protection of its sovereign rights and integrity of its State territory.

Belgrade, 17 March 2000

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/2000/140
22 March 2000

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-sixth session
Agenda item 6

RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND ALL FORMS OF DISCRIMINATION

Letter dated 21 March 2000 from the Permanent Representative of Georgia to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights

Upon the request of the Government of Georgia the Permanent Mission of Georgia to the United Nations Office and Other International Organizations at Geneva kindly asks to circulate the attached* document, "Georgia, Combating Racism and Intolerance (laws, traditions and judicial practices)" during the fifty-sixth session of the Commission on Human Rights under agenda item 6.

(Signed) Amiran KAVADZE
Ambassador
Permanent Representative

* The annex is reproduced as received, in the language of submission only.

GE.00-11811 (E)

Georgia

Combating Racism and Intolerance (laws, traditions and judicial practices)

1. Georgia, being a small country, has always been known as a very multinational society. In accordance with the latest data among the inhabitants of Georgia there are representatives of more than 90 nations and ethnic groups. According to the census of 1989, population of Georgia consisted of 5.400.841 people. Together with the indigenous nations - Georgians (3.787.393 - 70.13% of all population of the country) and Abkhazians (95.853 -18%) there are Armenians (437.211- 8.09%), Russians (341.172 - 6.3%), Azeris (307.556 - 5.69%), Ossetians (164.055 - 3.04%), Greeks (100.324 -1.86%), Ukrainians (52.443 - 0.97%), Kurds (33.331 - 0.62%), Jews (24.795 -0.45%), Byelorussians (8.565 - 0.16%), Yezids (6.206 - 0.11%), Tatars (4.099 - 0.08%) and scanty amount of representatives of other nations (0.71% of all population).

Georgia traditionally and historically has been known as a highly tolerant country, for which was unknown such events as national or religious hatred, xenophobia or discrimination, as well as the prosecutions on these grounds

Having accepted The Christianity (the Orthodox one) as a state religion in 337 A.D. Georgians during centuries were waging bloodsheding wars with neighboring Muslim states fighting for their independence and preservation of their culture based on the Christianity. But that did not affect their attitude towards the Muslim believers.

Even in XI-XIII centuries when religious hatred was prevailing in other parts of the world (the Western Europe, the Muslim Near and Middle East, Russia in XI-XV centuries), in the mighty Georgian feudal monarchy, which was spread throughout the whole South Caucasus, there was no trace of antissemitic or antimuslim ideology or practice, any xenophobia or other intolerance based on national or religious grounds.

It has been reflected in Latin, Arabic and Greek sources of XI-XV centuries. The well-known French scholar M. Defremery could not hide his astonishment while he was describing the status of different demographic strata in the Georgian kingdom.

Particularly were mentioned activities of the Georgian King David II (the XI century) and following monarchs used to visit Muslim mosques, Armenian and Catholic churches, Jewish synagogue, discussing philosophical and religious issues, making the money contributions. All the witnesses of this

period describe economic and cultural privileges given to the non-Georgian population.

The sign of this tolerance can be seen even today - there is a spot in the Old Town (a district in Tbilisi) where next to the Georgian Cathedral the Armenian church, the Jewish synagogue and the Muslim mosque can be seen standing almost side by side, on the other side of the river the Catholic Cathedral stands near the Russian Orthodox church.

Therefore even during the Communist regime nothing could force the Georgians to change their tolerance, while there was a real intolerance in regard to the Moscow totalitarian policy, nothing had affected the Russian population in Georgia.

All in all today there are 14 Jewish synagogues, 15 Muslim mosques, 1 Catholic Cathedral and 3 Armenian catholic churches, 11 Armenian-Gregorian churches and 8 Russian orthodox churches.

During the Soviet period there was no sign of antissemitism in Georgia, while it was one of the most persistent violations of human rights in Russia and some other parts of the former USSR.

The half of the all synagogues existed in the USSR were built and functioning in Georgia. In November of 1999 a historical event took place in Tbilisi - Pope John Paul visited Georgia. This event has been covered by the world mass media underlining the warm reception on all the levels of state and religious structures. As "Turkish Daily News" reported (10.11.99) in his homily at Tuesday's mass, The Pope told to a crowd of 10 000 men... that Georgia was a model of respect and tolerance towards of her religions and noted that places of worship for Christians, Jews and Moslems stood close together in Tbilisi."

That's why the problem under consideration has never been a real problem in Georgia; On the contrary, it was an example of the tolerance, more than pure tolerance, and that was proved, when not only all Georgia but the world community as well were celebrating 2600 years anniversary since the settling of the Jews in Georgia and known today as the Georgian Jews, with Georgian mother tongue, but devoted to their religion. The doors of synagogues have always been open for them, even during the worst period for Jews in the USSR. Many of them have left Georgia for Israel but even there they do not give up the Georgian language, traditions and name streets in Jerusalem and other cities after names of Georgian poets, writers, other well-known persons.

During the same period two ethnic and one confessional minorities enjoyed full freedom of the local self-determination resulted in creation of the Abkhazian Autonomous Republic (the ethnic Abkhazians - 17%, Georgians - 46%), Adjarian Autonomous Republic (the Muslim Georgians), South Ossetian Autonomous District (Ossetians - 60%, Georgians -30%).

2. There were no concerns on the problem until the end of 1980-ies and beginning of 1990-ies. Georgia was an example of tolerance in all the fields of social, political, economic and cultural rights. Even more: in Abkhazia and

Tskhinvali Region (so-called South Ossetia) the Georgian population could not enjoy human rights completely.

When the process of dissolution of the USSR has become a reality, the Moscow Government started provoking ethnic tensions within the borders of the former union republics backing a separatist movement of political, procommunist elite being at power in autonomous entities. A claim for independence turned into the armed conflicts, including Georgia.

In 1992 the Abkhzian separatists provoked an armed conflict trying to secede this one of the oldest parts of the Georgian territory. Being backed by foreign military, economic and financial support the separatists managed to get control over the whole territory of Abkhazia, having brutally exterminated the Georgian population in Abkhazia they proclaimed "an independent state " which has been rejected by the United Nations, OSCE, EU, the Council of Europe, CIS and other international organizations. Trying to forcibly change the demographic structure in the region the separatists conducted a brutal policy of genocidal ethnic cleansing manifested in mass killings and torturing of civilians, raping of women and children, more then 10000 civilians were killed others forcibly expelled. (see the UN Document A/52/116 or S/1997/317 or E/CN.4/132 2 April 1997). The Lisbon Summit of the OSCE condemned "the policy of ethnic cleaning resulting in mass destruction and forcible expulsion of the predominantly Georgian population in Abkhazia". It was condemned as well by the EU, COUNCIL OF EUROPE , CIS and others. The UN Security Council referred to the Lisbon decision in its resolution.

It is to be mentioned that anti-Georgian ideology which had been propagated by Abkhaz and Ossetian separatists through their mass media, especially by the Moscow means of information, provoked a strong nationalistic approach on the part of a radical wing of the national liberation movement, "guests leave the country"- was the slogan of the party which got the power in 1990. But this slogan had never been implemented except a short period 1990-1991, when during the conflict in "South Ossetia", many Ossetians, living in other parts of Georgia, have been forced to leave the country.

Otherwise, there has not been any serious ethnic tension among other minorities in Georgia, except of some sporadic episodes that can not be considered as a serious threat to an overall peaceful and friendly relations between numerous national, ethnic, religious, linguistic minorities, to status of individuals belonging to them in any sphere of life.

At the same time the government of Georgia is not satisfied with the measures aimed at protecting and promoting human rights for everyone on non-discriminatory basis and is preoccupied with full implementation of the existing legal basis, monitoring and reacting on every case, if any, of racial discrimination, intolerance, xenophobia and antisemitism.

3. Georgia acceded to "the Convention on the Elimination of the all Forms of Racial Discrimination" that entered into force on July 2, 1999.

But, as it can be seen from below, anti-discriminatory legislation in Georgia has been pursued for quite a long time, especially after entering the United Nations and OSCE as well as accession in 1994 to the both International Covenants on Human Rights and the Optional Protocol.

A new impetus has been given to these activities by the entering of Georgia the Council of Europe and the accession to the European Convention for the Protection of Human Rights and Fundamental Freedoms (1999), to other international and regional instruments.

.4. The Constitution of Georgia contains articles that create a solid legal basis for protection and promotion of human rights in the issues under consideration.

Article 6 states:

"1. The constitution of Georgia is the supreme law of the State. All other legal acts shall be issued in accordance with the constitution.

2. The legislation of Georgia corresponds with universally recognized principles and norms of international law. International treaties or agreements concluded with and by Georgia if it does not contradict the Constitution of Georgia take precedence over domestic normative acts."

Article 7:

"The State recognizes and protects universally recognized human rights and fundamental freedoms as eternal and supreme human values. While exercising power the people and the state are bound by these rights and freedoms as directly acting law."

Article 14 declares the general approach of the state to the problem of protection of human rights:

"Every human being is born free and is equal before the law regardless of race, skin color, language, sex, religion, political or other beliefs, national, ethnic and social belonging, origin, property, title of nobility or place of residence."

Article 9 underlines the freedom of belief:

"The State recognizes the special importance of the Georgian Orthodox Church in the Georgian history but simultaneously declares complete freedom of religious belief and confessions as well as independence of the church from the State."

Article 34 states:

"1. The State promotes the development of culture, the unrestricted participation of nationals in cultural life, the expression and enrichment of cultural originality, the recognition of national and universal values and the deepening of international cultural relationships.

2. Each citizen of Georgia is obliged to care for, protect and preserve the cultural heritage. The State protects the cultural heritage by law."

Article 38 specifically affects all kinds of minorities living in Georgia:

"1. Citizens of Georgia are equal in social, cultural and political life regardless of their national, ethnic, religious or language origin. According to universally recognized principles and norms they have the right to develop their own culture without any discrimination and interference. They may use their language in private and public life.

2. In according with universally recognized principles and norms of international law, the exercising of minority rights should not oppose the sovereignty, state system, territorial integrity and political independence of Georgia."

The Penal Code of Georgia which is in force until a new one started working (January 1, 2000), contained a special article titled "Violation of national and racial equality of rights" (Chapter II "Other crimes against the state", art. 75):

"Intended deeds aimed at provoking national or racial hatred or contradiction, at humiliating of national dignity, as well as direct or indirect restriction of citizens' rights based on their national or racial belonging, or creation for direct or indirect advantages..."

The article provided for terms of imprisonment depending on the level of a crime - up to 3, 5 or 10 years.

The new Penal Code specifies crimes committed on "the racial, religious, national or ethnic intolerance reasons"(articles 109, 117, 126, 142, 258, 407, 411).

It is to be mentioned article 142, which formulates a general approach to issue under consideration.

Chapter XXIII - "Crimes against human rights and freedoms, "article 142 - "Violation of human beings' equality" repeats the stipulations of article 14 of the Constitution cited above.

Article 407 provides punishment for the crime of genocide, article 411, qualifies crimes committed during armed conflicts and violating international humanitarian law, includes crimes as apartheid or other inhuman deeds based on racial discrimination.

The Code particularly provides a heavy punishment for destroying of graves, monuments and other cemetery constructions committed on racial, religious, national or ethnic intolerance grounds (art. 258,3).

The Civil Code of Georgia admits for the registration of organizations or unions if their charter does not violate law, common moral norms or principles of the Constitution of Georgia (article 31, par. 2).

The Penal Procedure Code guarantees equality of all human beings before the Court and during the all steps of the criminal investigation procedure.

Article 2 of the Code states that norms of the Code reflect ones of the Constitution, international treaties, other laws, as well as general principles and norms of International Law.

Law that revokes or restricts human rights and freedoms is not applicable in the criminal procedure.

The Civil Procedure Code contains the same provisions, guaranteeing to everyone the right to appeal to the Court for protection of their interests.

The Penal Code criminalising conducts against safety of a person does not distinguish the object of crime on the racial basis.

Article 28 of the Constitution states:

"1. Every citizen of Georgia who has attained the age of 18 years has the right to participate in referenda and elections of state and self-governing bodies. The freedom of constituents to express their will of electors is guaranteed.

2.Only individuals who are confirmed as ineligible by a court or who have been deprived of their liberty by the due process of law are deprived of the right to participate in elections and referenda."

In accordance with article 2 of The Law on the Parliamentary Elections every citizen has a right to elect or to be elected regardless of race, skin color, language, sex, religion, education, political or other beliefs, national, ethnic and social belonging, origin, property or title of nobility.

The same stipulation contains The Law on the Presidential Elections (article 3,1).

It is enough to say that there are 17 members representing the national minorities in the Parliament and in regions where the bulk of the population consists of national minorities, the majority of elected bodies and representatives of these minorities occupy leading executive offices. For example, in Marneuli and neighboring districts there are 38 Azeris, in Thethry-Tskaro - 12 Greeks, in Samtskhe-Javakhety - 58 Armenians, many of representatives of minorities' work in other state bodies and those of within the Central governmental instances.

It is to be mentioned that during any elections the participation of members of national minorities is always higher than that of the Georgian electorate.

During the last elections to the Parliament (October 31, 1999) The participation of the national minorities in areas where they live compactly reached 80-90% in comparison to other areas - 50-60% and even less.

The Constitution states:

"Every individual has the right to freedom of speech, thought conscience, religion and belief.

The persecution of an individual for his thoughts, beliefs or religion is prohibited, as is compulsion to express opinions about them.

These rights may not be restricted unless the exercise of these rights infringes upon the rights of other individuals" (art. 19).

"Every individual has the right to freely receive and disseminate information, to express and disseminate his opinion orally, in writing or in any other form.

The mass media is free. Censorship is prohibited.

Monopolization of the mass media or the means of dissemination of information by the state or natural persons is prohibited.

Clauses 1 and 2 of this article can be restricted by law when conditions make it necessary to do so in order to guarantee, and by the conditions necessary in a democratic society for the guarantee of state and public security, territorial integrity, prevention of crime, and the defense of rights and dignities of others, to avoid the revelation of confidentially received information or to guarantee the independence and impartiality of justice in a democratic society" (art. 24).

Georgia is the party to the 1958 International Convention on Discrimination in the Field of Labor and Employ. The proceeding principles of Georgian labor legislation are: Advantage to the free ownership and free competition, prohibition of monopolist business, defense of labor rights indifferently for everybody.

The Constitution states:

"Everyone has the right to education. Freedom of choice in education is guaranteed.

The state guarantees that educational programs conform to international standards and rights.

The state guarantees pre-school education. Primary education is mandatory for all. The state provides free primary education for all. Citizens have the right to free secondary, professional and tertiary education at state institutes within the framework and by the rules established in law.

The state supports educational institutions as established in law" (art. 35).

5. A real picture reflecting implementation of these stipulations regarding persons belonging to different minorities and aliens is shown below.

In this connection articles 34 and 38 of the Constitution shall be referred (see par. 3 above).

As it was mentioned above there are many minorities and ethnic groups inhabiting in Georgia, whose rights are fully guaranteed by the Constitution of Georgia and with the proper practice.

There are 141 Azerbaijanian schools and 8 independent sectors at other schools, 133 Armenian schools and 20 independent sectors, 87 Russian schools and 152 independent sectors, 10 independent Ossetian sectors in Georgia; There are 361 non-Georgian schools and 190 independent sectors functioning in Georgia, where lessons are carried out in mother language of the national minorities (here and thereof Abkhazian and South Ossetian dates are not taken into account). There are several schools functioning in Georgia with intensive course of number of foreign languages and among them the Modern Greek.

Nowadays, at Tbilisi State University of Ivane Javakhishvili there are 12 departments where lectures are delivered in Russian, at Tbilisi State Technical

University –21, at Tbilisi State Pedagogical University of Sulkhan-Saba – 7, at Tbilisi State Medical University – 1, at Georgian Zooveterinarian Institute –2. There are Russian departments and faculties existing at the State University of Batumi and Kutaisi, at the Economic Institute of Gori and the Telavi Pedagogical Institute of I. Goghebashvili. Therefore the youth obtains over 50 professions in Russian only at high state schools of Georgia. The studies in the Russian language are carried out in several commercial high schools. Besides this, Armenian, Azerbaijanian and Modern Greek languages and literature are taught at Tbilisi State University and also Caucasian languages and literature. There are Azerbaijanian and Armenian and Armenian languages and literature faculties at Tbilisi State Pedagogical Institute. There are Commercial Greek University of Aristotle and Turkish College of Demireli in Tbilisi.

This is the general picture for getting the education by minorities in their mother tongue.

There are over 10 only Russian social organizations and unions in Georgia, the Georgian Department of International Association of Teachers Russian Literature and Language, The International Society of Pushkin in Georgia, the Russian and Armenian unions (and also the unions of other minorities) of Georgian Union of Writers, 3 Russian State Theatres, 1 State and 3 National Armenian Theatres, 2 National Azerbaijanian Theatres. There are Folk Ensembles created by minorities (the Armenian's, the Azerbaijanian's, the Greek's, the Kurd's, the Yasicl's German's and etc.).

There are 7 newspapers in the Russian language, (among them regional Georgian-Russian) and 3 magazines, 4 Armenian newspapers (1 republican, 3 regional, one of them is Georgian-Armenian), 3 Azerbaijanian newspapers (1 republican, 2 regional Georgian-Azerabaijanian), the Greek Diaspora publishes 3 newspapers, the Jewish – 2, the Russian-Kurdish –one. There are Russian sectors functioning in Georgian TV and Radio broadcast. There are also Armenian and Azerbaijanian Radio broadcastings.

In Georgia together with other famous representatives, the most honorable once are those, whose life and activities are connected with their stay in Georgia. The streets are wearing their names, the museums are founded, and the monuments are created. There is the Georgian-Jewish historical-ethnographic museum of Baazov; Russian, Armenian, Azerbaijanian and other famous persons' cemeteries and monuments, the memorial cemeteries of Russian soldiers died from wounds at our hospitals during the Second World War and the memorial cemeteries of Germans died in prisons camps are located and guarded.

During 1944-1946 German, Greek, Muslim Georgians from Southern Region of Georgia - Meskhetia and other minorities were expelled from Georgia by the Soviet government and settled them in the Central Asia. Many of them have returned to their homes after 1956. But problem of Muslim Meskhs is still a problem - more then 300 000 men are still abroad. There is the

repatriation service created at the President's office, which takes care directly of the problem of settlement of Muslim Meskhs, the corresponding declaration was adopted aimed at returning of expelled during 10 years gradually.

The serious input in the strengthening of the guarantees of the rights of minorities was made by the head of the government's order N 249, December 30, 1994, regarding the additional steps for fulfillment of the reform at the board land. Some of the national minorities live in this area and until the above-mentioned edict, the several important positions of the earthwork reform were not spread over these regions. At the present moment the limits on the allotments for new personal plots are removed.

Since 1994 tens of thousands of representatives of national minorities as well as Georgians have left Georgia. However such development of emigration process was not caused by discrimination factors those of as unfair treatment by authorities or the Georgian population of the minorities, impossibility of realization of needs in culture and language etc. Main reasons were the low standard of living, uncertainty of tomorrow, heavy criminal situation.

The main concern of the Government has been caused by the circumstances related to such cultural-confessional minorities as Molocans and Dukhabors.

Lately, the significant departures to Russian Federation of most capable and well-founded members of the communities are noticed.

Researches made in 1992 - 1995 in places of compact residence of Molokans and Dukhabors in villages Ulianovka (Sighnaghi district), Krasnogorka (Sagaredjo district), Gorelovka, Spassovka, Orlovka (Ninotsminda district), showed that, the departures of members of communities is caused by the worsening of the economic situation in the Republic and not by the factors of confessional and cultural discrimination.

6. The Constitution protects the status of foreigners:

"Foreign citizens and stateless persons living in Georgia have the rights and obligations equal to the rights and obligations of citizens of Georgia with some exceptions envisaged by the Constitution and law.

As determined by law and in accordance with universally recognized norms of international law, Georgia gives asylum to foreign citizens and stateless persons.

Extradition of a person who has been given asylum to another state, who is pursued on political grounds or pursued for an activity which is not regarded as a crime by the legislation of Georgia is prohibited" (art. 47).

According to the Legal Status of Aliens Act of 3 June 1993, foreigners are guaranteed the rights and freedoms provided by the legislation of Georgia. Their legal status is determined by the Constitution, the Act and other enactment of the Republic, as well as by international conventions and universally recognized international norms relating to the protection of human rights (art. 2).

Foreigners in Georgia enjoy the equal rights under the law, irrespective of origin, social and material status, race, nationality, sex, education, language, religion, political or other views, occupation, etc. Georgia protects the life, security of person, and rights and freedoms of aliens on its territory (art. 3).

Georgia offers asylum to foreigners persecuted in their own country for defending peace and human rights and for progressive socio-political, scientific and other creative activity.

Under the act, asylum is not granted to foreigners whose views and activities are contrary to the aims and principles of the United Nations or the State interests of Georgia.

Foreigners in Georgia are granted the following basic rights: the right to work, the right to rest, the right to health care, the right to social security, property rights, the right to education, the right to enjoy cultural values, the right to join political and social organizations, the right to have a religion or belief, the right to matrimonial and family relations.

Foreigners are guaranteed protection of the person and non-interference with their privacy and family in accordance with article 17. The Act also provides for the right of liberty of movement and choice of residence and regulates the right to vote and the question of military service.

The Act establishes the principles governing the liability of foreigners for crimes and administrative and other offences under Georgian law, except in so far international agreements provide otherwise.

7. As it has been mentioned there are not many cases of racial discrimination, intolerance, xenophobia or antisemitism on the part of state authorities. Neither it can be found in private sectors, nor in interpersonal relations. That's why the judiciary practice is very "poor" in this regard.

The most shocking cases occurred 3 years ago and on October 17, 1999.

In 1996 an article insulting the Georgian Jews was published in a less known newspaper. That was condemned by the whole Georgian society. The author, G. Alaznispireli, was brought to the court and sentenced in accordance with the article 75 of the Penal Code to two years in imprisonment.

On October 17, 1999 a meeting of the Jehovah's Witness in Tbilisi was dispersed, with heavy injuries, by a crowd of radical Christians led by an odious person "father Basily", who had been cut of the Georgian Orthodox church by the Synod two years ago for his unacceptable activities.

The president of Georgia reacted to these events very severely and ordered to properly investigate and bring to the court all offenders (October 24, 1999 N 3101).

Many Georgian non-governmental organizations adopted resolutions condemning absolutely unacceptable, barbaric acts.

Up to day the police has started investigation aimed at bringing to justice "Father Basily" and other participants of the group. There is no doubt that the group will meet a proper, fair punishment.

Earlier the leader of one of the political parties, took some measures to prevent Jehovah's Witness, registered on April 17, 1998, from bringing to Georgia the books and booklets.

Later he appealed to the court requesting revocation of the registration.

The court rejected the charges and defended rights of the religious group in accordance with the Constitution of Georgia.

8. As it has been mentioned there is no special body dealing with the racial discrimination, tolerance, xenophobia and antisemitism since there has not been any particular need for that.

The Committee pursued very fruitful activities on Protection of Human Rights and Interethnic Relations, which functioned, from 1992 to 1996. Later the Ombudsman office replaced it.

In 1998 a new special office of the Assistant to the President on Interethnic Relations was established with a staff comprised of representatives of national minorities - Armenians, Azerbaijanans, Russians and others, the chair of assistant is occupied by the well known scholar, Prof. A.Gerassimov, being ethnically a Russian, he like others fluently speaks Georgian. The assistant to the President of Georgia vested in the inter-ethnic relations mostly is involved in monitoring of the existing situation in the field of protection of persons belonging to national, ethnic, religious and linguistic groups, in drafting of new laws or other normative acts for further promotion and protection of the mentioned persons and groups (minorities).

Several international seminars and round tables have been convened during the last four years.

In the system of legislative power the Committee on Human Rights and Ethnic Minorities is functioning in the Parliament of Georgia. A draft law on national minorities has been prepared for consideration by the Parliament.

On the initiation of the President of Georgia in 1997 a Department on Human Rights Issues was established in the Apparatus of National Security Council of Georgia headed by the Deputy Secretary of the National Security Council of Georgia, who besides executive and coordinating functions owns controlling power. Close collaboration with the apparatus of the President and corresponding ministries and institutions the Deputy secretary of the National Security Council grants a serious contribution to practical exercise of legal guarantees of human rights in the State. The former vice-speaker of the Parliament of Georgia, a well-known human rights defender, politician and scholar Mrs. Rusudan Beridze occupies the chair.

As it was mentioned the office of Public Defender was established in Georgia. "The Law on Public Defender" elaborated with the help of international experts, grants the Ombudsman with a wide power in the field of revealing and investigating abuses of human rights by the State bodies. Proposals and recommendations of the Public Defender for elimination of cases

of violation were mostly taken into consideration and fulfilled by the state bodies.

After holding the first elections of local bodies in 1998 Commissions on Human Rights Issues were established in most bodies of local authority.

The major event of recent history of Georgia was its entry to the Council of Europe (April 1999). This confirms the fact that the European Community highly appreciates the achievements of Georgia in building legal society and at the same time it lays great responsibility on our State in the sphere of protection of human rights and fundamental freedoms. In the framework of the Convention on Human Rights and Fundamental Freedoms of Georgia acknowledged jurisdiction of the European Court on Human Rights where the former President of the Supreme Court of Georgia Prof. Mindia Ugrekhelidze has already been elected.

A well-known expert on international law Prof. Levan Alexidze has been designated as a member of The European Commission against Racism and Intolerance.

There are over 100 non-governmental organizations in Georgia monitoring and actively defending human rights for all irrespective of citizenship, race, color, etc.

So far their activities have not met serious cases under consideration, except some mentioned above.

There is no special training in this field, but a persistent education - courses, seminars, round tables (conducted by national and international experts) - has taken place on all issues of human rights and their fair protection.

9. In the retrospective of Georgian culture and history a woman is traditionally considered as a protector of family, social and cultural values. It is said, that a woman is in great respect in Georgia, what we can clearly see in historical masterpieces, arts, literature and especially in the richest Georgian poetry and Georgian folklore. In these masterpieces a woman occurs to be not only the mother of a family but also a politician and defender of motherland. At the same time the worship formed in Georgian society is mainly associated with a woman-mother.

Traditionally in Georgian society men play the dominant role. Despite that there is no discriminative statement in Georgian legislation toward women, the asymmetry of men and women social positions is obvious.

On September 22, 1994, Georgia joined "the Convention on the Elimination of all Forms of Discrimination against Women", by that the country is responsible to exercise all the articles of the Convention. The main state bodies, which work on the problems given in the Convention, are the Ministries of Health, Education, Internal Affairs, Social Security, Refugees and Internally Displaced Persons.

In 1995 the Georgian Delegation participated in IV World Conference in Beijing and signed the Beijing Platform.

On February 20, 1998, the State Commission on Elaboration of State Policy for women's Advancement was established by the Order of the President of Georgia.

The National Plan of Action for improving women's conditions was approved by the Order of the President of Georgia on June 1998

The joint project of government of Georgia and UNDP "Women in Development" had been implemented (1997-1998).

In 1996 the protection of human rights was declared the priority in the country. For last two years the special attention has been devoted to gender equality and advancement of women.

In terms of the critical areas of concern of the Platform of Action the country's priorities are the problem of poverty since the social situation is very hard, women and armed conflict since Georgia overcame the tragedy of totalitarian system, civil war and domestic conflicts. There are 280 000 IDP-s from Abkhazia (Georgia) and Tskhinvali Region in Georgia; among them 150 000 are women and children. Priority is health condition of women; serious projects are underway.

Creation of Commission, approval of the National Plan for Action and steps taken for implementation of this Plan show that the government is seriously interested in gender problems. The project "Women in Development" has provided great activities in this direction. Some problems were connected with the difficulties of communication with women, especially in regions. The interest of mass media on gender issues is low. Women's image formed by media is either stereotypical or negative. Economic and financial situation has influenced on socio-economic conditions of women. Women in Georgia have very high intellectual potential. High level of unemployment decreased the use of this potential. Women face the obstacles in business and credit system. But those problems occur to be common for both genders.

The Global financial crisis, especially crisis in Russia has effected Georgia. In autumn, 1998 financial crisis resulted lack of resources to pay pensions and salaries to the people working in budget institutions. Teachers and doctors mostly women didn't receive their salaries for several months. At the end of 1998 and in the beginning of 1999 the situation has improved, but great difficulties are remaining.

Establishment of a Department on Women Issues and creation of gender units within governmental structures are considered by the Government of Georgia. This is very important but at the present moment budget difficulties don't allow to decide these issues.

Information on gender equality to the society is provided through seminars, debates, publications, forums and mass media by NGO's and UNDP project. Ministry of Justice evaluates laws and bills from a gender

perspective. The Department of Statistics collects and analyzes the statistic data reflecting women and men's conditions.

Women's role and participation in the decision-making processes is not satisfactory. There are 17 MP's, from total 235 MP's, 2 of them are chairing standing committees - on human rights and on international relations, 2 women-ministers (foreign trade and ecology), 6 deputy ministers (foreign affairs, justice, state property management, finance, healthcare and social protection, culture), Deputy Ombudsman and Deputy Secretary of the National Security Council on Human Rights Issues are women. Local elections were held in Georgia in 1998 and 1349 women became members of local authorities, 70 judges from total 170 are women. From 12 judges of the Supreme Court elected recently 6 were women. The situation has the tendency to improvement.

There is no doubt that women still are not properly represented in the state's legislative and executive structures that has been rooted mostly in traditional approach of the Georgian population to the role of women in the family life and still vesting men with the decision-making power.

The poverty growth among women in transitional period mostly depends on the economic situation in the country. Ministry of Agriculture and Food is working out the programme on eradication of poverty among women in rural areas, Ministry of Economy - projects supporting increase of women family income. The Parliament of Georgia adopted the Law on High Mountain Regions establishing benefits for doctors, teachers and employees in high mountain regions. The problem of poverty is a very painful problem for population of Georgia.

Georgia is trying to solve peacefully conflict in Abkhazia (Georgia), where predominantly Georgians were forcibly expelled from their homes, thousands were killed, women and children among them. OSCE Budapest and Lisbon Summits recognized that there was ethnic cleansing of Georgians in Abkhazia. The State takes all necessary measures to support IDP's, but their living conditions still remain hard. The territory of Abkhazia is not under Georgian jurisdiction so the Government has no mechanisms to protect the Georgians living in Abkhazia. The process of political settlement is underway, but real results are vague.

Women health and family planning is the priority of government policy. The Ministry of Health worked out programs, which are underway. Free emergency aid is provided for population in Tbilisi. Program for free treatment of jobless persons and other vulnerable groups, including women is being worked out.

The knowledge of human rights is not satisfactory. So there is the need to conduct training on human rights and rights of women among them for governmental structure, mass media, secondary schools, institutes of higher education, law enforcement institutions and population.

On June 1999 the initial report of Georgia was considered on twenty-first Session of the Committee on the Elimination of Discrimination Against Women. The Committee gave high appreciation to the Government of Georgia for the work carried out; at the same time the Committee gave its recommendations. Based on these recommendations the State Commission has prepared the draft of the Decree of the President about Measures on Strengthening the Protection of Women's Rights in Georgia. This draft was considered on the sitting of the Government of Georgia and signed by the President. According to the decree (N 511) the State Commission shall monitor implementation of Natural Plan, prepare the National Program on combating violence against women including domestic violence.

The joint program of UNDP and the Government of Georgia "Women in Development" envisaged assistance to the Government in implementing above mentioned goals. The first phase of this program has been a substantial contribution in revising the public and state attitude towards gender problems, widened public awareness on these problems, facilitated women's more active involvement in the country's socio-economic and political life. The traditional attitude denying the gender-based discrimination in Georgia has been making the women problems almost invisible for the society. The project implementation made the society and official bodies pay attention to the gender problems. The project implementation contributed to the establishment national machinery on women's issues and development of National Plan. The increased interest of the society towards gender issues has been reflected in the increased number of women's NGO's. It should be mentioned that from total 27 members of the Commission 9 are the representatives of NGO's. About 60 NGO's have systematically taken participation in the work of the Commission.

The second phase of the Project, we hope, will help to create appropriate conditions for further development. The staff of the State Commission would have benefited from systematic training, workshops and study tours in order to better coordinate the work of Ministries on the implementation of the National Action Plan, the State Commission would have lobbied the Government, the legislation would have been analyzed from a gender point of view and so on.

10. As it was mentioned above there has not been troubling situation with regard to the issues under consideration except of very tragic position of refugees and internally displaced persons expelled from Abkhazia and Tskhinvali Region / South Ossetia.

The Government has done its best to protect human rights of more then 280 000 persons (most of them women and children) provide them with housing, family allowances, humanitarian aid what would not have been possible without support of the donor community, particularly ICRC, IFPC and UNHCR have to be mentioned, who during last five years spent more than 100 million USD.

Many countries and international governmental and non-governmental organizations have been involved in the aid response activities.

Georgia acceded to the Convention on Status of Refugees. A special Ministry of Refugees and Settlement has been established, the Parliament of Georgia passed the Law on Forcibly Displaced Persons (June 28, 1996). Up to day over 50 normative acts (laws, President's orders and decrees etc.) have been issued aiming at lifting the tragic burden of people expelled from their houses as a result of atrocities and ethnic cleansing committed by separatist regime. But there is a lot to be done in these field hopping that this tragic situation soon be changed and the people will be able to return to the places of their permanent residence in Abkhazia and in South Ossetia, Georgia.

UNITED
NATIONS

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Economic and Social
Council

Distr.
GENERAL

E/CN.4/2000/141
28 March 2000

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS
Fifty-sixth session
Agenda item 9

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD

Note verbale dated 27 March 2000 from the Permanent Mission of the Republic of Burundi to the United Nations Office at Geneva addressed to the Secretariat of the fifty-sixth session of the Commission on Human Rights

The Permanent Mission of the Republic of Burundi to the United Nations Office and other International Organizations in Geneva presents it compliments to the secretariat of the fifty-sixth session of the Commission on Human Rights and has the honour to refer to the attached note verbale,* to request that its content should be included in a corrigendum to the report on the human rights situation in Burundi and published as a document of the Commission, since it cannot, for practical reasons, be included in the final version of the report (E/CN.4/2000/34).

* The annex is reproduced as received, in the language of submission only.

ANNEX

Commentaires sur la partie historique du Rapport sur la situation des droits de l'homme au BURUNDI,
Document E/CN.4/2000/34

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1. **Au paragraphe 20**, il faudrait remplacer les lignes 1 à 4 par : "Au XIX Siècle, un conflit de succession engendre la scission de la dynastie Ganwa en deux lignages rivaux: les BEZI et les BATARE. La colonisation a entretenu cette rivalité dans son intérêt jusqu'à la naissance des partis politiques. Les BEZI ont massivement adhéré à l'Union pour le Progrès National (UPRONA) indépendantiste et les BATARE au parti démocrate chrétien (P.D.C) favorable à la tutelle et soutenu par la métropole".

- la dernière phrase du paragraphe devrait s'écrire ainsi :"Entre- temps, une concurrence déloyale entre les successeurs potentiels du Prince Louis RWAGASORE à la tête de l'Uprona et du Gouvernement se solde par la rivalité entre HUTU et TUTSI.
Et ajouter à la fin : La montée de l'extrémisme ethnique débouche en janvier 1965 par l'assassinat du Premier Ministre Pierre NGENDANDUMWE suivi d'une première tentative du coup d'Etat et de la répression en Octobre de la même année.

2. **Au paragraphe 21**, à la 5ème ligne: après ..... Tanzanie, ajouter " depuis 1965".

- A la dernière ligne; ajouter après communauté: " approximativement 300.000 personnes".

3. **Au paragraphe 22**, à la dernière phrase; la modifier comme suite: —— en vue de situer les responsabilités, traduire en justice les responsables des tueries et les spoliateurs des biens des disparus.

4. **Au paragraphe 23**; à la ligne 3, modifier la phrase comme suite: Mais le pouvoir demeure entièrement entre les mains des TUTSI dont certains responsables instituent la persécution des confessions religieuses et la discrimination ethnique dans les écoles (I- U).

5. **Au paragraphe 24**; à la 2ème ligne, il faudrait formuler ainsi la phrase:" En 1988, en réaction à de nouveaux massacres et à leur répression; il constitue.....

UNITED
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Economic and Social
Council

Distr.
GENERAL

E/CN.4/2000/142
29 March 2000

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-sixth session
Agenda item 9

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD

Letter dated 28 March 2000 from the Chargé d'affaires a.i. of the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights

I have the honour to transmit, enclosed herewith,* "Information on the convicted Fllora Brovina". I would ask you to have it circulated as an official document of the fifty-sixth session of the Commission on Human Rights under agenda item 9.

(signed) Branko Brankovic

Ambassador
Chargé d'affaires a.i.

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Annex

INFORMATION ON THE CONVICTED FLLORA BROVINA

Following frequent inquiries made by various international human rights organizations, as well as the media speculations regarding the treatment, health protection and the grounding of the sentencing and the conditions of incarceration in the Penal-Correctional Institution in Pozarevac of Fllora Brovina, the Ministry of Justice of the Republic of Serbia has noted the following relevant data with respect to the said convict.

1. Fllora Xhevada Brovina, daughter of Sina Shehu, born at Srbica on 30 September 1949, Albanian, citizen of the Federal Republic of Yugoslavia, resident of Pristina, physician by profession, married, mother of two children, not convicted thus far, has been sentenced to 12 yeas in prison for the criminal act of association for enemy activity under Art. 136, para 1, with reference with the criminal act of terrorism under Art. 125, FRY, punishable by Art. 139, para 3, of the Penal Code of Yugoslavia.

By sentence K. No. 168/99 of the District Court of Nis of 9 December 1999, Fllora Brovina has been sentenced to a 12-year imprisonment for having actively worked, since 1992 until apprehension on 20 April 1999, on establishing an enemy association, the aim of which was to secede the Autonomous Province of Kosovo and Metohija from the Federal Republic of Yugoslavia through unconstitutional means and to proclaim it an independent State of the so-called "Kosovo Republic", so that on 18 January 1992 with 30 women, members of Albanian nationality, she formed an association called the "League of Albanian Women" of which she was elected Chairperson, so that under the guise of that non-party, humanitarian-educational and ethnic organization she organized, since 1992 until the proclamation of immediate war danger and the state of war, a number of enemy demonstrations of Albanian women in Pristina and worked on pooling resources for the work of other illegal organizations and associations with the same goal and platform.

Also, in mid-March 1998, the said person attended a meeting of representatives of Albanian political parties in the premises of the shopping mall in Miladina Popovica Street in Pristina at which the "Ministry of Health of the Republic of Kosovo" was established and at which she was appointed "Health Minister", the work of which was directed at organizing the work of, and equipping, field hospitals in which members of the so-called "Kosovo Liberation Army" were to be treated; following her replacement, she continued her work in the "League of Albanian Women".

In the first half of 1998, the said person participated in setting up terrorist gangs of the so-called "Kosovo Liberation Army", the aim of which was to threaten, by way of taking acts of violence against members of the Ministry of the Interior of Yugoslavia and the Army of Yugoslavia, as well as against the civilian population creating a feeling of insecurity among citizens, the constitutional order and

security of the Federal Republic of Yugoslavia by having the territory of the Autonomous Province of Kosovo and Metohija, upon the proclamation of an independent State, annexed to the Republic of Albania, so that, to further the needs of the gangs, she organized, through the "League of Albanian Women", the knitting of jumpers and the sowing of uniforms and made available to the members of the gangs the premises of the association, while during March and April 1999 at the time of the proclamation of immediate war danger and the state of war, she engaged in equipping field hospitals of the "Kosovo Liberation Army", procuring for the purpose through various foreign humanitarian organizations large quantities of various medical supplies.

Fllora Brovina was detained since 20 April 1999 under decisions Nos. Ki. 46/99 and Kr. 48/99 of the District Court of Pristina of 17 May 1999 and 27 May 1999 respectively under which the detention lasted till 27 June 1999. The detention was extended until 27 July 1999 by a decision of the District Court of Pristina, while it was extended until 20 October 1999 by decision No. Kr. 734/99 of the Supreme Court of Serbia for the criminal act of association for enemy activity under Art. 136, para 1, of the Penal Code of the Federal Republic of Yugoslavia in connection with the criminal act of threatening the territorial integrity under Art. 116, para 1, of the Penal Code of the Federal Republic of Yugoslavia and the criminal act of terrorism under Art. 125 of the Penal Code of the Federal Republic of Yugoslavia.

2. Fllora Brovina was admitted in the Penal-Correctional Institution in Pozarevac, Department for Sentenced Women, on 11 June 1999. With the consent of the Ministry of Justice, the said person has been visited by the members of the International Committee of the Red Cross, members of the media, her defense lawyer and husband with family. So far the said person has had no complaint regarding the work and behavior of the personnel of the Penal-Correctional Institution, to which a written statement of the said person testifies. The hospital in Pozarevac noted that Brovina suffers from angina pectoris and increased blood pressure. On that occasion she was prescribed appropriate treatment and has been under direct medical treatment and is receiving appropriate therapy ever since.

The allegations in some media that Fllora Brovina has suffered two infarctions as a consequence of imprisonment are incorrect. Because of personal problems, Fllora Brovina was examined by a neuro-psychiatrist who established that, neurologically and psychiatrically, she was O.K.

As to health protection, it can be concluded on the basis of the available documentation made in connection with every medical check-up that medical assistance is provided to Brovina whenever one is needed, i.e. whenever the medical workers of the Penal-Correctional Institution assess so or whenever the said person demonstrates a need for medical treatment and therapy on the basis of personal difficulties.

On the basis of a complex insight into the documentation and treatment of Fllora Brovina, the Ministry of Justice of the Republic of Serbia has noted that the treatment of the said person is not different from the treatment being applied to other persons, i.e. that it is being applied in a humane and legal way.

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UNITED
NATIONS

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Economic and Social
Council

Distr.
GENERAL

E/CN.4/2000/143
30 March 2000

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-sixth session
Agenda item 9

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD

Letter dated 29 March 2000 from the Chargé d'affaires a.i. of the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights

I would like to ask you to have this letter* published as an official document of the fifty-sixth session of the Commission on Human Rights.

(signed) Branko BRANKOVIC
Ambassador
Chargé d'affaires a.i.

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* The annex is reproduced in the language of submission only.

Annex

I am addressing you and through you all members of the Commission on Human Rights in order to inform you about the tragic situation prevailing in the Serbian Province of Kosovo and Metohija. Mass violations of human rights of Serbs, Montenegrins, Turks, Roma, Muslims, Goranci and other non-Albanian population are carried out on a daily basis. Terror is perpetrated by Albanian terrorists and separatists, with, unfortunately, the blessing on the part of KFOR, UNMIK and B. Kouchner.

Terror, intimidation and pressures by the so-called KLA transformed into the so-called Kosovo Protection Corps are perpetrated in cooperation with organized gangs of criminals from Albania and Macedonia.

Organized terrorism against the non-Albanian population in Kosovo and Metohija is a genocide and hatred based on race, nationality, religion and language with a view to achieving the idea of a Greater Albania as an ethnically pure region. It is for that purpose that terrorists have driven out of the Province about 350,000 Serbs and other non-Albanian populations.

From 12 June 1999 to 11 March 2000, that is since KFOR, UNMIK and B. Kouchner assumed responsibility to ensure security and safety in Kosovo and Metohija, as many as 4,481 terrorist attacks were perpetrated there. A total of 860 persons were kidnapped, 933 killed whereas 865 persons were wounded, primarily Serbs. Ethnic cleansing of towns in Kosovo and Metohija is carried out on a permanent basis and settlements still inhabited by Serbs and other non-Albanian populations are subjected to daily armed attacks. About 85 Serbian churches, monasteries and cultural monuments were destroyed and set fire to.

A systematic ethnic cleansing and the carrying out of genocide resulted, among other things, in ghettoization and herding into enclaves of Serbs and non-Albanians. At the same time, more than 250,000 foreign citizens have illegally entered Kosovo and Metohija.

The prisons, run by the terrorist so-called KLA throughout Kosovo and Metohija, house several hundred abducted Serbian civilians, who have been placed in "labor camps" controlled by the so-called KLA. The abductees have been subjected to extremely cruel and inhuman treatment in these "labor camps" located in the village of Maticane, 15 kilometres away from Pristina, as well as in the village of Dusanovo near Prizren and in Drenica. Access to these people is strictly forbidden, even by ICRC representatives.

Additionally, another 350 Serbs, who have been abducted in Kosovo and Metohija, are now in the Republic of Albania.

The international forces in Kosovo and Metohija are aware of the existence of such prisons for the abducted Serbs, but no steps or actions have been taken to get them released. All this, despite the fact that it represents the most inhuman violation of individual human rights and freedoms.

Genocide, ethnic cleansing, lawlessness and terror prevailing in the Serbian province of Kosovo and Metohija are a result of the non-implementation of UN Security Council resolution 1244 (1999) on the part of KFOR, UNMIK and B. Kouchner. The protective attitude of KFOR, UNMIK and B. Kouchner towards Albanian terrorism is reflected in the fact that not one perpetrator of crimes has been so far apprehended. It further encourages and exacerbates the atmosphere of terror and lawlessness.

At the same time, KFOR and UNMIK arbitrarily and on the basis of statements and information provided by terrorists of the so-called KLA, arrest and imprison a large number of Serbs and other non-Albanian population. Serbs and other non-Albanians are being held for several months in prisons without indictment, whereas they are not allowed the right to a lawyer.

Yet another proof of the genocidal attitude towards Serbs and other non-Albanian population is the closure of universities, theatres and media outlets in the Serbian language and that in places where Serbs have managed to live in larger numbers. It clearly shows that KFOR, UNMIK and B. Kouchner are accomplices in terrorist acts committed by Albanian terrorists aimed at breaking apart homogenous Serbian communities and pressurizing Serbs to leave Kosovo and Metohija.

The existing violations of human rights of Serbs and other non-Albanian population in Kosovo and Metohija, the level of discrimination based on race, religion, nationality and language carried out in the presence of the UN Mission have no precedent in the recent history of the World Organization. By its tolerant and protective attitude towards the campaign of genocide, ethnic cleansing and terror carried out by Albanian terrorists, the UN Mission drastically violates the fundamental principles of the Charter of the United Nations, the most important conventions on human rights as well as the UN Security Council resolution 1244 (1999). By applying an unprecedented policy of double standards, UNMIK bears full responsibility for mass crimes, violations of human rights of Serbs and other non-Albanian population in the Serbian province of Kosovo and Metohija.

The Government of the FR of Yugoslavia expects the Commission on Human Rights to most energetically, in accordance with its mandate, condemn genocide and crimes perpetrated in the Serbian province of Kosovo and Metohija. At the same time, the Government of the FR of Yugoslavia considers that the Commission on Human Rights must take all necessary measures for full protection of human rights and freedoms of the entire population in Kosovo and Metohija regardless of its national or religious origin and to condemn in strongest terms the perpetrators and protectors of genocide, ethnic cleansing and mass violations of human rights of the non-Albanian population in Kosovo and Metohija.

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Economic and Social
Council

Distr.
GENERAL

E/CN.4/2000/144
30 March 2000

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-sixth session
Agenda item 9

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD

Letter dated 30 March 2000 from the Chargé d'affaires a.i. of the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights

I have the honour to transmit, enclosed herewith,* the "Information on the persons deprived of liberty who were transferred from Kosovo and Metohija". I would like to ask you to have it published as an official document of the fifty-sixth session of the Commission on Human Rights under agenda item 9.

(Signed): Branko BRANKOVIC
Ambassador
Chargé d'affaires a.i.

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* The annex is reproduced as received, in the language of submission only.

Annex

Information on persons deprived of liberty who were transferred from Kosovo and Metohija

As a result of the NATO aggression and in accordance with the plan of moving the Penal-Correctional Institutions from Kosovo and Metohija, as many as 2050 persons deprived of liberty were transferred. Out of the total number, 1874 are persons of Albanian national minority and 176 persons are the others.

Out of the 2050 persons who were transferred, 1681 persons are charged for criminal acts of terrorism and association for enemy activities as well as for criminal act of illegal possession of weapons and ammunition. Of the total number of transferred persons, 370 were sentenced prior to the conflict in Kosovo and Metohija and aggression by NATO forces or charged for criminal acts of common crime. After the transfer, court proceedings were continued against persons for whom there are reasonable grounds for suspicion that they committed certain criminal acts.

In the period of the transfer until 13 March 2000 a total of 823 persons were released from the Penal-Correctional Institutions. They were released upon termination of prison sentence, termination of custody measures, upon court decision on termination of custody and upon conditional release.

The International Committee of the Red Cross, which, in most cases, has been taking and handing over these persons to their families, was notified about the release of all these persons from Penal-Correctional Institutions. A number of released persons were handed over directly to the KFOR whereas a smaller number was taken over by the families, relatives or defenders. A number has expressed the wish to return on their own to their families who fled the territory of Kosovo and Metohija.

On 13 March 2000, out of the total number of persons deprived of liberty who were transferred from Kosovo and Metohija, there are in Penal-Correctional Institutions and District Prisons in the Republic of Serbia 1227 persons deprived of liberty out of whom 571 persons are convicted and 656 persons have a status of detainees against whom court proceedings have been initiated. Out of 656 detainees, 436 are charged whereas 220 are waiting for the charges to be pronounced or for termination of custody.

The position and treatment of persons deprived of liberty who were transferred from Kosovo and Metohija does not differ from the position and treatment of other persons deprived of liberty, except that it was estimated that in the interest of their security and that of the institution in which they are it was necessary to group them and separate into detached housing facilities.

Court and prison authorities have enabled these persons as well as other convicted and detained persons to enjoy all rights in accordance with the law (visits by families, defenders, relatives, etc). Also allowed are visits by the ICRC, UN representatives, humanitarian and other non-governmental organizations.

In accordance with decisions of judiciary bodies, persons are released on a daily basis from the Penal-Correctional institutions, of which the ICRC and the defenders of the detained and convicted persons are regularly informed.